

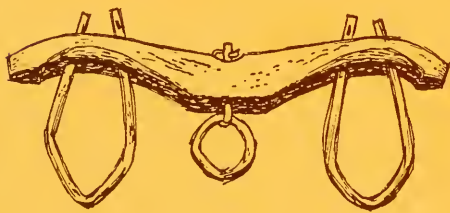
# Abraham Lincoln and Constitutional Government

*Barton H. Hirsch*



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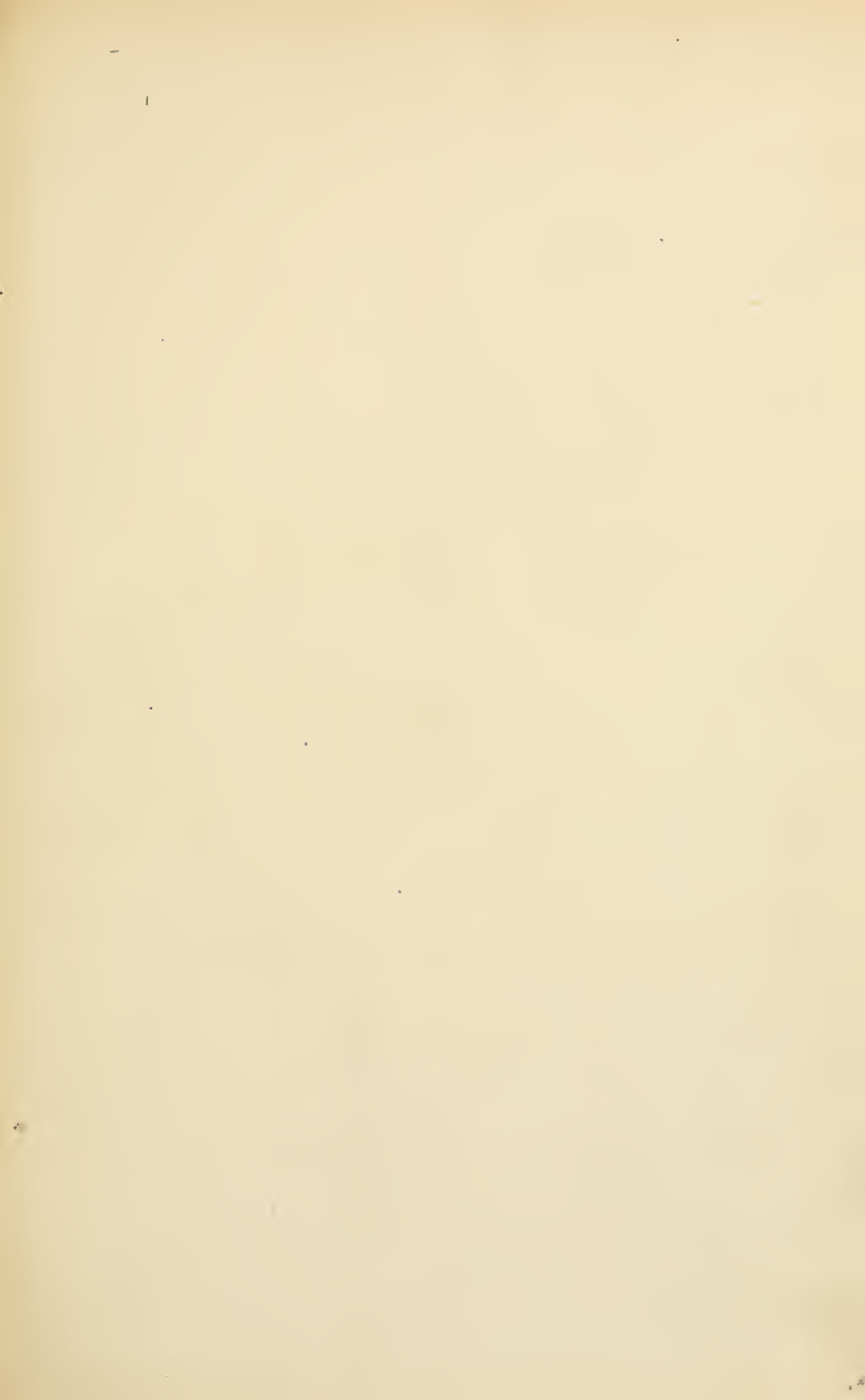
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*A. Lincoln*  
1858

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# Abraham Lincoln *and* Constitutional Government

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By  
Bartow A. Ulrich

## PART ONE

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Lincoln  
Room



I DEDICATE This life  
of Abraham Lincoln  
and treatise on constitu-  
tional government to the  
Press Club of Chicago,  
which bears in its hand the  
ever brilliant torch of intel-  
ligence, knowledge and lib-  
erty that enlightens the  
world and defends the  
rights of the people.

Barton A. Ulrick

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Part I

Abraham Lincoln



## PREFACE.

There have been so many books, essays, and speeches written about the immortal Abraham Lincoln, that one might well ask why I should attempt at this late day the difficult task of adding one more to the thousands already in existence. In answer I will say that whenever I return to the sacred precincts and final resting place of one whom I knew and admired in my early years, whose imperishable fame and illustrious services never will be forgotten, nor whose memory will ever perish from the history of the world, I feel impelled to add one more laurel wreath to that victorious brow, and to recount a few more cherished memories of that useful, unselfish, and patriotic life; and above all to show what he accomplished to advance and perpetuate constitutional government in the world.

A thousand years from now, and longer, Springfield and the tomb of Lincoln will be the Mecca of countless lovers of liberty and justice from all over the world, who will come here to visit and express their devotion to the great Mastermind of the Nineteenth Century, who saved the Union during its most perilous days, and liberated four million slaves from a degrading bondage. This republic and the entire world owe a great debt of gratitude for the kindly manner in which, at an early date, Springfield received and appreciated the latent talent of the young, honest, and homely man who had the good fortune to make his home there. He was fortunate in meeting such friends as John T. Stuart, William Butler, Joshua Speed, Lyman Trumbull, O. H. Browning, Judge David Davis, Edward B. Baker, and Leonard Swett, all of whom aided him greatly in getting a start in life.

"Everybody in Springfield knew the story of how Lincoln rode from New Salem to Springfield on a borrowed horse with a pair of old saddle bags, two or three law books and a few pieces of nondescript clothing and about \$7 in his pocket. Every one knew, too, how he found that he could not scrape together \$17 for bedroom furniture and how his friend Speed offered him half his own bed in a room over the latter's store. He and Speed both took their meals with William Butler, who was afterwards treasurer of Illinois."

There may be those who deem it a great privilege to visit the tomb of Peter the Great, founder of the despotism of Russia, or the tomb of Frederick the Great, founder of the reigning family of Prussia, or the tomb of Napoleon, victor in many



battles, but I consider Lincoln superior in his achievements for the universal good of humanity to any one of these proud and overpowering masters of men, and would therefore rather visit his than any of their final resting places.

However, no one will cherish for a moment the idea that the immortal Lincoln rests within the dust under his tomb at Oak Ridge, for Lincoln still lives. No assassin's knife or pistol can harm him now. He lives in the minds and hearts of countless millions throughout the nations which encircle the globe, and he will continue so to live for many decades to come. His deeds live to overcome tyranny and human oppression in this and other lands, and to fight their advancement at every step. At his call, contained in his immortal words and works, today, if needed, a great army of men will arise, as in the days of the Civil War, to put down the enemies of freedom and progress. God grant that the day may not be near when this call will be needed in the land, made sacred by the blood of heroes of the Revolution and of the Civil War, yet it may be nearer than we know.

In order to comprehend the lives and characters of Abraham Lincoln, George Washington, Oliver Cromwell, Martin Luther, Peter the Great, or other world rulers or reformers, one must realize and admit that there exists outside the control of man, a universal mind, acting above and beyond human foresight, but using as instruments suitable personages to accomplish great and far-reaching results. In order to gain a certain well-defined object which dominates them, the lives of these men demonstrate, or carry out to its legitimate purpose, a principle, thus fulfilling the designs of a universal governing power superior to themselves. Thus governments are established and religions propagated for the advancement, up-building, and regeneration of the world of mankind.

Houston Stewart Chamberlain, in his work entitled "The Foundation of the Nineteenth Century," says: "Nature knows no greater power than that of one great, strong man."

When a great ruler, powerful in mind and body, endowed with extraordinary ability and character, is born into this world, it does not necessarily follow that his parents should be the occupants of the palace of an emperor, the owners of the luxurious dwelling of a multi-millionaire, or the favorite citizens of a populous city, for some of the world's greatest characters have been born in simple dwellings, of parents possessing no other qualifications to favor them than honesty and respectability. The parents of Abraham Lincoln were residents of the humble log cabin, now prominent in the history of the United States as the birthplace of many celebrated people, its location in the virgin

forest near a sparkling river, uncontaminated by the overgrowth of humanity. Thus young Lincoln was chosen from the western wilds of America.

"And the Lord said unto Samuel, \* \* \* Fill thine horn with oil, and go, I will send thee to Jesse the Beth-le-hemite, for I have provided me a king among his sons." (And Jesse sent and brought to him David, the shepherd boy.) "Now he was ruddy and withal of a beautiful countenance, and goodly to look to. And the Lord said, Arise, anoint him: for this is he."

When the boundless prairies, the primeval forests, and the rushing rivers of the unsubdued West and South had done their work in building up physically this future president and emancipator, when his vigorous and clear intellect was ready to fulfill its purpose, he strode bravely into the camp of modern enterprise and civilization, and in a short time became its leading spirit.

Those who considered themselves qualified to hold the place of superiority above the masses, and regarded themselves as patricians, on account of their birth or their wealth, found in the case of this man of humble origin, that he was their superior, notwithstanding his lack of advantages and social position in early life. They would have barred him out of their clubs, their exclusive circles, the halls of congress and the state legislature, on account of his want of so-called gentle breeding, but the people, the voters, for whom he acted, soon placed him in the front ranks.

The aristocracy of nature is superior to the aristocracy of wealth or imperial grandeur. The phrase, "all men are created equal", which is inserted in the Declaration of Independence, has been and is a source of annoyance to many in this country who would be aristocrats, and especially to those residing in the slave states at that time. The wealthy citizens of New York, Baltimore, Charleston, Richmond, and Boston, at the time of Lincoln, did not consider him their social equal when they first met him; but when they heard his eloquence, became acquainted with his character, and knew of his achievements, they realized that he was a man of great ability and destined to fill an important place in his country's history. Originally starting with great natural gifts, in their development, he was surpassed by few men of his time.

There ever seems to be in this world a continual controversy over the equality, or inequality, of mankind, but a truly noble nature, reared apart from the corrupting and enervating influences of civilization, is often found superior to the child of fortune, educated amid the luxury of culture and refinement. Abraham Lincoln was the personification of the ideal of personal liberty,

and the equality of all men in the sphere of political rights, under the constitution of the United States. No law existed then, or exists today, to prevent the election of the people's choice to any of the different legislative branches of government, or even to the presidential chair.

In one of Lincoln's addresses to one of the regiments, August 22, 1864, he said, "I happen, temporarily, to occupy this White House. I am a living witness that any one of your children may look to come here, as my father's child has. It is in order that each one of you may have, through this free government which we have enjoyed, an open field and a fair chance for your industry, enterprise, and intelligence; that you may all have equal privileges in the race of life, with all its desirable human aspirations. It is for this the struggle should be maintained, that we may not lose our birthright—not only for one, but for two or three years. The nation is worth fighting for, to secure such an inestimable jewel."

BARTOW A. ULRICH.

Chicago, Illinois, 1916.



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## CHAPTER I.

MEETING ABRAHAM LINCOLN WHEN I WAS SEVEN YEARS OLD AT SPRINGFIELD, 1845. LYMAN TRUMBULL, STEPHEN A. DOUGLAS, GEN. SHIELDS, O. M. BROWNING, MISS JULIA JAYNE AND MRS. LINCOLN AT SOCIAL GATHERINGS. PERSONAL REMINISCENCES OF LINCOLN AND DOUGLAS. SKETCHES OF SOME OF LINCOLN'S CONTEMPORARIES IN SPRINGFIELD. LINCOLN-SHIELDS DUEL. REFERENCES TO LINCOLN AND DOUGLAS DEBATES BY HORACE WHITE, 1913.

When about seven years old I remember Abraham Lincoln as one of a number of politicians and members of the legislature in Springfield who visited our home in Second street. This must have been prior to his term in the House of Representatives in Washington. Among our guests were frequently Stephen A. Douglas, Lyman Trumbull, James Shields, and others who later became famous. Among the friends of my sisters who were at these social gatherings, were Mrs. Lincoln, formerly Miss Todd, Mrs. Trumbull, formerly Miss Julia Jayne and Mrs. N. W. Edwards, sister of Miss Todd.

Springfield was very new and primitive in those days. There were not many amusements, except the simple ones we provided for ourselves. The social gatherings in the home gave more pleasure than all the artificially stimulated outside entertainment does nowadays. I remember the first time I met Abraham Lincoln. It was just such an old-fashioned party to which he had been invited at our house. I was a little lad and had been sent up to bed before the party began.

But one of the guests had failed to come, and the company wished to dance the quadrille. My sister came upstairs and dragged me out of bed to complete the figure of the quadrille. I slipped hurriedly into my clothes and crept downstairs, half awake, yawning, and not in the best of tempers. Mr. Lincoln was leaning against the fireplace in the sitting room. I remember that I was particularly impressed by his height. He towered above everybody else in the room.

He had a very charming manner and was really the life of the party and made all the guests laugh with his inexhaustible fund of stories and anecdotes. His strong face lighted up radiantly and he had one of the most agreeable smiles I have ever seen. Of course I can't say that his grace of manner can be stretched



to include the way he went through the stately and dignified steps of the quadrille.

Mr. Whitney in his book entitled, "On the Circuit with Lincoln," speaks of Lincoln as having often engaged in social sports before he came to Springfield. He took part in the games and dances at weddings, husking bees, etc. He says:

"Mrs. Lincoln was a Miss Todd, born in 1818, being nine years Lincoln's junior. She was the daughter of Robert S. Todd. She came of an old Virginia family on one side, and had direct connection through another line with General Andrew Porter of Pennsylvania, a well-known soldier of the Revolution. Miss Todd was accomplished in music, dancing, the languages, and the arts and refinements of life. Her acquaintance with Lincoln began in Springfield and in a short time ripened into friendship, affection and love with occasional lapses in favor of Stephen A. Douglas and other swains then in vogue at the capital. Miss Todd was acquainted with Lincoln for two or three years previous to their marriage." He undoubtedly took part with her in the social entertainments of the select circle in Springfield where there were the usual quadrilles and dances popular at that time.

That which impressed itself on my memory more than anything else was the towering figure of Mr. Lincoln, standing by a mantlepiece in our parlor, with his elbow resting upon it, quietly overlooking the guests of the evening. He was rather awkward in society. Few realized then that he would become our future president and the great character in history into which he developed. He possessed a large fund of good humor, and consequently always was a welcome visitor. He used this gift later to great advantage in trying times after he became president. When overcome with anxiety, humor was to him a relief and he often turned the prevailing gloom into a moment of enjoyment by reciting some amusing story applicable to the occasion.

Mr. John Hay and Mr. John G. Nicolay, both of whom I knew intimately in Springfield, state in their history of Abraham Lincoln: "He was (in 1849) still the center of interest of every social group he encountered, whether on the street or in the parlor. Serene and buoyant of temper, cordial and winning of language, charitable and tolerant of opinion, his very presence diffused a glow of confidence and kindness. Wherever he went he left an ever-widening ripple of smiles, jests and laughter. His radiant good fellowship was beloved by political opponents and partisan friends."

I often saw Mr. Lincoln with one of his sons on the side-porch of his home in Eighth street, and on the street between his home and law office. He always had a pleasant word or a joke to tell when meeting those he knew, and his kind but rather plain face

would light up with a smile. He was six feet, four inches tall, and very strong, having developed to a great degree physically when young through hard work on the farm and in the forest, as well as by his several ventures with flatboats on the Mississippi river. This superior prowess and vitality often was not fully realized by his opponents until they came into personal contact with him. During these days he did not always dress in the fashionable style of lawyers like Douglas and Trumbull, and often wore a coat which was rather the worse for wear.

Had Mr. Lincoln employed a good barber and an artistic tailor his large strong body, like that of George Washington's or Czar Alexander II., would not have seemed so awkward as it looked in ready made clothes which did not fit.

It must have been about this time when moving unostentatiously among his neighbors and friends, that his mind was occupied with the great issues which were pending and which would soon bring about the great Civil War with himself as the master spirit. It is stated that he said to his partner, Mr. Hern-  
don, whom I also knew: "How hard, Oh, how hard it is to die and leave one's country no better than if one had never lived in it! The world is dead to hope, dead to its own death struggle, made known by a universal cry! What is to be done? Is anything to be done? Who could do anything? And how is it to be done? Did you ever think of these things?"

Abraham Lincoln proved that human intelligence, when used in alignment with a higher power in the endeavor to do right, dominates men and nations. He proved also, like Shakespeare, that the great universities of his age had no monopoly in intellectual achievements. His intuitive understanding of metaphysics revealed to him the living divinity in his own breast.

But I hardly know any better way of describing his personal appearance than by quoting from Carl Schurz:

"There he stood, overtopping by several inches all those surrounding him. Although measuring something over six feet myself, I had, when standing quite near him, to throw my head backward in order to look into his eyes. That swarthy face, with its strong features, its deep furrows and its benignant, melancholy eyes, is now familiar to every American. It may be said that the whole civilized world knows and loves it. At that time he was clean shaven and looked even more haggard and careworn than later, when his face was framed in whiskers. On his head he wore a somewhat battered stovepipe hat. His neck emerged long and sinewy from a white collar turned down over a thin black tie. His lank, ungainly body was clad in a musty black frock coat with sleeves that should have been longer, but his arms were so long that the sleeves of a store coat could hardly have been ex-

pected to cover them all the way down to the wrist. On his left arm he carried a gray woolen shawl, which evidently served him for an overcoat in chilly weather. His left hand carried a cotton umbrella of the bulging kind, and also a black satchel that bore the marks of long and hard usage.' ”

PERSONAL REMINISCENCES NEVER BEFORE PUBLISHED.

When twelve years old said my old friend, Peter Vredenburg, of Springfield, Illinois, I was present at the trial of a Mr. Ross. After the prisoner was brought in Mr. Lanterman appeared, accompanied by Abraham Lincoln. He seemed to be thoroughly impressed with the seriousness of the case. He took off his tall hat, removing from it a large bandanna handkerchief and a bundle of papers. He finally addressed the court in a serious manner, while the feeling and sympathy he displayed was very effective. The way he addressed Mr. Lanterman, the father of the girl Mr. Ross had married when he already had another wife, and the questions he asked him brought tears to my eyes. He said: “Do you know this man (pointing to Mr. Ross) the defendant?” The old man replied, “I know him to my sorrow.” After Mr. Lanterman was through, Mr. Lincoln had witnesses to prove the man’s name was Ross Dawson and that he had another wife living. Ross was convicted of bigamy and sent to the penitentiary for the maximum time. I don’t think any one in the court was more grieved over the case than Mr. Lincoln and his appearance left a lasting impression on my mind.

CELEBRATION OF FOURTH OF JULY IN HEIDELBERG.

While Abraham Lincoln was seeking knowledge and educating himself under many disadvantages in his rude surroundings, Jefferson Davis, Robert E. Lee, Beauregard and Buckner were being thoroughly trained at the expense of the United States at West Point, and many of the sons of southern chivalry, in the sunny, luxurious South, were being educated by their wealthy parents to lord it over and to live off the labor of their inherited, so-called slave property, and to regard themselves as the exclusive aristocrats of the nation. They were taught to look down with contempt upon the poor non-slave holders of their own states and to hate the anti-slavery yankees of the North. I myself met several of these buds of southern chivalry while studying at the University of Heidelberg, Germany. In 1859 the American stu-

dents there and in adjoining cities celebrated the Fourth of July. We chartered a small steamer, put the United States flag at one end and the flag of Baden at the other, and steamed up the Neckar to a beautiful garden and resort on its bank. Toasts and speeches were in order. Many ladies and gentlemen, citizens of the United States, were invited and were present. The late Judge Henry M. Shepard, then a student of Heidelberg, and Frederick W. Matteson son of former Governor Matteson of Illinois, also a student at Heidelberg, joined in this Fourth of July celebration. The German newspapers made some very flattering references to the occasion. As it was just previous to the Civil War there were two factions in Heidelberg, one representing the South and one the North. The young men from the South would not join us in our patriotic celebration, but had a dinner by themselves at a public house in Heidelberg. Being on friendly terms with several of them and before starting with my friends from the North, I took a friendly glass of wine with them at the hotel and tried to persuade them to join us; but they declined the invitation, thus showing the animus of the southern mind and its prejudice against the North.

STEPHEN A. DOUGLAS—LINCOLN AND TEMPERANCE.

I heard Judge Stephen A. Douglas, with whom Lincoln was debating the great issues of the day, speak in Springfield. He was a short, thickset man, with a large head covered with an abundance of black hair which shook like the mane of a lion when he was delivering his eloquent address. He was a powerful speaker and a well educated man of great natural ability.

In regard to Douglas, I remember that he smoked a great deal and after speaking in public as soon as a favorable opportunity presented itself, he would visit a certain grocery store across the street from the state house and take a drink of Bourbon whiskey. It was customary in those days to sell whiskey in family groceries.

Mr. Lincoln was entirely free from these habits, as there is an abundance of proof. February 22, 1842, Mr. Lincoln delivered an address before the Washingtonian Temperance Society, Springfield, Ill., which is contained in a book giving the speeches and letters, 1832-1865, published by J. M. Dent & Co., New York, in Everybody's Library, edited by Ernest Rhys.

He commenced, "Although the temperance cause has been in progress for twenty years it is apparent to all that it is just now being crowned with a degree of success hitherto unparalleled."



This is a long address and shows Mr. Lincoln's views at that time on this vital question.

#### THE LITTLE STILL-HOUSE.

A Sun correspondent asked if it was true as stated in F. F. Browne's "The Everyday Life of Lincoln" that in the canvass for senator in 1858 Douglas accused Lincoln of "keeping a groggery." The mythology of Lincoln, aside from the false quotations which are always turning up, seems inexhaustible, and the "groggery" is an old figure in it. The Pittsfield Eagle has looked up the Lincoln-Douglas debates again, and finds Douglas at Ottawa Aug. 21, 1858, protesting that he meant no unkindness to his opponent, whom he had known for almost twenty-five years:

"There were many points of sympathy between us when we first got acquainted. We were both comparatively boys and both struggling with poverty in a strange land. I was a school teacher in the town of Winchester and he was a flourishing grocery keeper in the town of Salem."

Of course if he kept a grocery in the days of his young manhood, he sold rum. Wet goods were an invaluable source of attraction of custom in the "store." Deacons vended "W. I." or whiskey or gin. A grocer, a grog-seller; but Lincoln speaking whimsically in the third person in this same Ottawa debate, denied that he had ever kept a grocery:

"The judge is woefully at fault about his early friend Lincoln being a 'grocery keeper.' I don't know as it would be a great sin if I had been, but he is mistaken. Lincoln never kept a grocery anywhere in the world. It is true that Lincoln did work the latter part of one winter in a little still-house up at the end of the hollow."

From this little still-house at the end of the hollow grew Douglas's "grocery," which was transformed into a "groggery." It is possible enough that Lincoln's "saloon license" exists in facsimile as an ornament of saloons. The House that Jack Built is the progressive order of the architecture of myth. Our Massachusetts contemporary quotes, without naming, a precaution we regret, a mythical anecdote begotten of the grocery-groggery myth:

"In one of the famous debates Douglas accused Lincoln of having sold liquor over the bar. Lincoln retorted by saying, 'Mr. Douglas is quite right. I did sell liquor over a bar. But while I was on the inside selling it, Mr. Douglas was on the outside drinking it.'"

So the Lincoln legend-making, or folk-history, goes on. Possibly some wag will yet build the little still-house up at the end of the hollow, discover it, and get an association to buy it. The renewed interest in Lincoln's "liquor license" may indicate that he is to figure as a witness against the drys.—[*New York Sun.*]

#### LINCOLN ON THE LIQUOR QUESTION.

Hon. James S. Ewing, former minister to Belgium, said in his address on Lincoln in Bloomington, 1899, "I heard Mr. Lincoln define his position on the liquor question. This is authentic as it came from Mr. Lincoln himself. I am referring to a democratic meeting: the committee had placed on the sideboard in Judge Douglas's room (probably without his knowledge) a pitcher of water, some glasses, and a decanter of red liquor. As visitors called, they were invited to partake. Most of them declined. When Mr. Lincoln arose to go, Mr. Douglas said: 'Mr. Lincoln, won't you take something?' Mr. Lincoln said, 'No, I thank you.' Mr. Douglas said, 'What! Are you a member of a temperance society?' 'No!' said Mr. Lincoln, 'I am not a member of any temperance society, but I am temperate in this, that I do not drink anything.'"

I remember in Springfield that it was customary on New Year's day for the gentlemen to call on the ladies. Many of the ladies had wine which they gave to their callers, and the result was that before night, many of the gentlemen showed the effect of taking too many drinks. It was commonly known among the ladies who the gentlemen were who refused wine, also those who refused to serve wine, among the latter being my mother who always refused to serve wine to callers. It was my impression that Lincoln was among those who did not participate.

Lincoln was a man of the people, all his sympathies and activities being exerted towards advocating what he thought was right, and to their best interests. Douglas was more of an aristocrat and favored at first the lordly slave holders of the South. Lincoln was a born statesman and leader, but he possessed as well, a pure and grand character which overtowered every other motive in life. It is this character that lives and attracts the admiration of the world. He would have been a blessing to any age or nation.

Lincoln, like Oliver Cromwell, was a born leader of men, and originator of strategic movements in emergencies. He had an indomitable will, and was determined to carry out his purposes over any and all difficulties.

## THE PETTY PRACTITIONERS OF A PETTY TOWN.

The Hon. James Bryce was mistaken when he stated in his introduction to the speeches of Lincoln that "even after Lincoln had gained some legal practice there was for many years no one for him to mix with except the petty practitioners of a petty town, men nearly all of whom knew little more than he did himself." When an Englishman, unfamiliar with the conditions that existed in Illinois and especially in Springfield at the time of Lincoln, would make such a statement it proves that he knew nothing of the array of talent and of the university trained minds that gave dignity and legal standing to the courts and bar of Sangamon County at the time of Lincoln.

Otherwise, the introduction by the eminent diplomat and author, whose "American Commonwealth" I have read and studied with benefit, is very interesting and truthful.

Mr. Whitney in his book on "Life on the Circuit with Lincoln" says: "that in the lower house of the Illinois Legislature there were many men of both political parties who afterward became distinguished in the political history of the state. Among them may be mentioned Lyman Trumbull, John J. Hardin, William H. Bissell, afterward Governor of Illinois, Edward D. Baker, John T. Stewart, William H. Richardson, Lewis W. Ross, Robert Smith, Samuel D. Marshall, James Semple and James Shields. In fact, the Springfield bar of those days numbered among its members many men of more than common ability. Some of the names were soon familiar to the whole country. It was not because his competitors were few and weak that Lincoln attained the first rank as a lawyer, but because he had to fight his way against men in every way capable of testing his powers to the utmost, and men who had far superior advantages in education than he had received."

Many of these men subsequently became members of Congress.

The Hon. Schuyler Colfax states in his reminiscences of Abraham Lincoln, Chapter X, in the book published by Allen Thorndyke Rice, that he (Lincoln) "in the frequent law contests at the bar waged with men who afterwards attained brilliant distinction in law and politics and in eloquence, in the sharp antagonism of debate with one of the ablest and most adroit of American stump speakers, Judge Douglas, he was intellectually armed and equipped for the responsibilities by which he was to be environed in the dark and perilous times of the Civil War."

Leonard Swett states in the same book published by Allen Thorndyke Rice, that for eleven years Lincoln and himself traveled the eighth judicial circuit in Illinois and tried suits together or opposed to each other. Leonard Swett was a highly educated



man who attended North Yarmouth Academy and Waterville College, Maine. He read law with Messrs. Howard and Shepley at Portland, Maine, was volunteer soldier in the Mexican War and at its close settled in Bloomington in 1848. The bar of that circuit embraced many men of marked ability, including David Davis, judge of the Superior Court and senator of the United States, Edward D. Baker, member of congress from Sangamon district; David W. Voorhees, Stephen T. Logan, John T. Stuart, and U. F. Linder, with all of whom Abraham Lincoln came into contact during his practice of law.

John T. Stuart, who was at one time the law partner of Abraham Lincoln, was born November 10, 1807. He was of Scotch Irish descent, and his father was a Presbyterian minister. He was graduated from Centre College, Kentucky, and was admitted to the bar in 1826. He maintained a high place in his profession which he held actively for sixty years. He was elected to the legislature in 1832 and 1836; elected to congress against Stephen A. Douglas in 1838, and held office two terms; he was then elected state senator, 1848 to 1852, and again elected to congress in 1862. Mr. Stuart first met Lincoln during the Black Hawk War. He subsequently induced him to study law, lent him the necessary books, and afterwards took him into partnership in his law firm, which lasted until April, 1841.

#### THE LINCOLN-SHIELDS "DUEL"

James Shields, while auditor in Springfield in 1837, challenged Abraham Lincoln to fight a duel, which, at the time, created a great deal of excitement in Springfield. He objected to some articles he claimed Lincoln had written reflecting upon his character. He was a prominent member of the social circle in Springfield and quite a beau among the ladies. A full account of this duel can be found in the interesting book "Life on the Circuit with Lincoln" by Henry C. Whitney, who gives a very vivid picture of the circle of acquaintances in which Lincoln moved as a prominent character.

When James Shields, afterward a senator from three states and a general in two wars, when a young man in Springfield, demanded the author of a clever pasquinade written by two ladies who afterwards severally became Mrs. Lincoln and Mrs. Trumbull, Lincoln promptly caused himself to be announced as the responsible party, and when the duel was forced upon him, he rehabilitated the injured honor of the gallant suitor by unhesitatingly accepting.

Lincoln carefully and methodically put himself in training and

wrote out the following "instructions" for the guidance of his second, Dr. Merriman:

1. *Weapon*: Cavalry broad sword of the larger size, precisely equal in all respects, and such as are now used by the Cavalry Company of Jacksonville.

2. *Position*: A plank ten feet long and from nine to twelve inches broad, to be firmly fixed on edge on the ground as the line between us, which neither is to pass his foot over upon forfeit of his life. Next a line drawn on the ground on either side of said plank and parallel, each at the distance of the whole length of the sword, and three feet additional from the plank; and the passing of his own line by either party during the fight shall be deemed a surrender of the contest.

3. *Time*: On Thursday evening at five o'clock, if you can get it so; but in no case to be at a greater distance than Friday evening at five o'clock.

4. *Place*: Within three miles of Altam, on the opposite side of the river, the particular spot to be agreed upon by you.

5. Any preliminary detail coming within the above rules you are at liberty to make at your discretion.

Lincoln said to Linder, "I didn't want to kill Shields and felt sure I should disarm him, having had about a month to learn the broad sword exercise: furthermore, I didn't want the damned fellow to kill me, which I rather think he would have done if we had selected pistols."

James Shields was born in 1810 in Tyrone County, Ireland, emigrated to America in 1826, practiced law in Kaskaskia, Illinois, 1832, elected to the Legislature in 1836, state auditor 1837, judge of Superior Court, 1843, Brigadier-General United States Army 1846, served under General Zachary Taylor and General Winfield Scott; was United States senator from the state of Minnesota 1858-1860, governor of Oregon Territory 1848. In the Civil War Brigadier-General 1862, head of division-General Nathaniel B. Banks, Army of the Shenandoah Valley; resigned March, 1863 and settled in Carrolton, Missouri. Member of legislature 1874-1879.

The statue of Gen. James Shields, first United States senator from Minnesota, which has been placed in a niche in the rotunda of the state capitol, was unveiled in the presence of nearly 400 persons, says the Journal, including members of the Loyal Legion and the G. A. R., who supplied the fund for the statue, state officials and friends of the Shields family.

Lieut. Samuel Appleton, state commander of the Loyal Legion, formally presented the statue to Gov. A. O. Eberhart, representing the state, and the Governor responded. Misses Ellen and

Florence Shields of St. Paul, grandnieces of General Shields, unveiled the bronze effigy of the soldier and statesman.

A close study of the speeches of Abraham Lincoln during his contests with Stephen A. Douglas will show what a thorough knowledge he possessed of the great questions which attracted the attention of the people of his time. They show the immense amount of material he had collected from every available source bearing upon the questions at issue.

#### THE SPRINGFIELD BAR.

Mr. William O. Stoddard, one of Lincoln's historians says: "The Springfield bar in those days numbered among its members many men of more than common ability. There were some indeed whose names were soon to be familiar to the whole country. It was not therefore because his competitors were few and weak that Lincoln advanced to the foremost position as a sound and able lawyer. From the outset he was compelled to fight his way against men in every way capable of testing his powers to the utmost, and there was none of them whose apparent educational advantages had not been greater than his own." Although Lincoln did not have the advantages of many of those with whom he came in contact, he quickly grasped and obtained knowledge from every available source, not only from books, but from association with men of superior talent and education, especially when in Springfield and while traveling the eighth judicial circuit of Illinois who became prominent in later years.

Abraham Lincoln was not only a remarkable character, but he was the result of the immediate incidents of the times surrounding him. He was carried forward on the crest of a great wave of popular revolution and was its controlling spirit.

#### LINCOLN'S RISE FROM OBSCURITY.

From the time he delivered his now world-famous speeches in opposition to Judge Douglass, who was aiming for the presidency and who favored the extension of slavery into the Territories, 1854 until the surrender of Richmond in 1865, eleven years, a startling change in the history of the United States was brought about by him, in co-operation with the loyal people of the country. The democratic party, at first all-powerful on both sides of Mason and Dixon's line, was swept out of power,—slavery so strongly entrenched in the South and boldly threatening to encroach upon the North was absolutely obliterated, the defiant southern slave

aristocracy was forced to submit or be utterly destroyed in person and property, the Emancipation Proclamation was issued and the United States Constitution itself revised to conform to the very ideas and principles of Lincoln, as set forth in 1854-1860 when he was scarcely known outside of Illinois.

Here was a man who came from comparative obscurity, born in a log cabin in the forest of the then far West, with no cultured parents to train him excepting the good influence of his step-mother, or give him the advantages of a liberal education, and who, by applying himself with earnestness to study with scarcely any outside help, continually mastering useful information gained from every available source including the law, finally rose above the rude environment of his early days and at last accomplished the great object of his life, for which he firmly believed he was destined by his heavenly Father whom he always revered and in whom he had boundless faith.

#### LINCOLN AND DOUGLAS.

I well remember the excitement in politics about the Kansas-Nebraska bill advocated by Douglas, who was scheming to be elected president and wished to gain the support of the South, the talk about state sovereignty, the slave question, and the Dred Scott decision. A close study of the speeches of Abraham Lincoln during his contest with Judge Douglas will show that he was thoroughly informed as to the history of his country and the great principles underlying our representative democracy. He severely criticised the decision of the Supreme Court and was not afraid to arraign Chief Justice Taney before the bar of public opinion. He said, "the sacredness that Judge Douglas throws around this decision is a degree of sacredness that has never been thrown before around any other decision. Chief Justice Taney insists that negroes are no part of the people who made, or for whom was made, the Declaration of Independence or the Constitution of the United States. On the contrary Judge Curtis in his dissenting opinion shows that in five of the then thirteen states free negroes were voters."

The election of Lincoln in 1860, for whom I voted in 1864, was a protest against the Supreme Court decisions in the Dred Scott case. The result was that slavery was never extended into the Territories, and this famous decision was practically annulled by the will of the majority carried out through Abraham Lincoln.

Referring to Douglas's speeches, he said: "He doesn't care whether slavery is voted up or voted down in the territory. If it

is wrong he cannot say that the people have a right to do wrong. It is the eternal struggle between these two principles, right and wrong, throughout the world. The one is the common right of humanity and the other the divine right of kings. It is the same spirit that says, you toil and work and earn bread and I'll eat it. No matter in what shape it comes, whether from the mouth of a king, or from one race of men as an apology for enslaving another race, it is the same hypocritical principle."

When Judge Stephen A. Douglas, and later, other prominent advocates of slavery came in contact with his master mind, which by its own efforts had acquired a vast fund of legal and political information, they were resisted and overpowered in a manner not expected.

He advanced step by step, at first arguing the case with Douglas with the people listening; then, after election defining the position of the seceding states, and finally forcing them to yield and unwillingly accept his position.

Stump speaking was then customary and the woods near Springfield often reverberated with oratory delivered on stumps in the groves near Springfield and at the County Fair, slavery and state rights being the chief subjects. There were no questions to be debated then concerning great trusts, there was no Standard Oil company, Steel or Tobacco trust, multimillionaires who tried to control the money market, nor national banks, but we had plenty of wild cat currency, good one day, of no account the next.

Messrs. Nicolay and Hay state in their history of Lincoln: "In 1838 wheat was 50¢ a bushel, rye was 35¢, corn and oats 25¢, butter was 8¢ a pound, and eggs were 8¢ a dozen and pork was 2½¢ a pound." Eggs and butter were plentiful and cheap in those anti-bellum times and there were few large cold storage warehouses where goods could be accumulated to accommodate large combines. We had a stage coach with two or four lively horses, and Lincoln had to use these or a horse and buggy when making the circuit to try law cases. There were no aeroplanes or automobiles, and few railroads. There were no great monopolies; every man had an even chance in business, the worst cloud on the horizon being the slave question, and Lincoln and Douglas were hard at work thrashing out the pros and cons of this problem.

#### WAR TIME WRITER TELLS OF LINCOLN AND DOUGLAS.

Fifty-six years ago Horace White reported for The Tribune the epoch making debates between Abraham Lincoln and Stephen A. Douglas. Recently, before an audience of old and young



at the Chicago Historical society, Mr. White, who has been in more recent years a famous New York editor, retold the story of the politics that made Lincoln president and cost the "Little Giant" the honor.

More than half a century of reflection has mellowed Mr. White's views of the political struggle, but his memory is unimpaired. His descriptions proved that age has not withered his "nose for the news," but he was able to editorialize to an extent probably not permitted by his editorial superiors even in those bitter days.

In leading up to his description of the debates, Mr. White sketched the growth of slavery in America, and the incidents leading up to the repeal of the Missouri compromise. Lincoln he described as having served one term in congress and little known. Douglas was the reverse, "his advance being so rapid that it seemed as if he had only to ask to be given his choice at the hands of his fellow citizens," as Mr. White described him. (*Chicago Tribune, Feb. 13, 1913.*)

#### DOUGLAS LIKE A LION.

"Douglas had a large head surmounted by a mane, giving the impression of a lion about to roar or devour its prey," continued the speaker. "He was but 5 feet 4 inches in height, but he earned the title of the 'little giant.' He was probably the biggest man in the United States, but he was color blind to the moral principles of slavery.

"Lincoln was then in Springfield, a lawyer, with a far from lucrative practice, but possessing a great reputation as a story teller. He was first of all a politician, using the word in its best sense. But for the repeal of the Missouri compromise he probably would have remained a country lawyer, riding the central Illinois circuit and entertaining tavern loungers with funny stories. He would have been unsung and unheard of. But he believed the country could not exist, half free and half slave, and he told some friends so, but was advised to keep his views quiet."

The seven joint debates of 1858 were but a continuation of discussions by the same "champions" in 1854, and Mr. White is believed to be the only living man who heard all these famous efforts.

#### HOOTED DOWN IN CHICAGO.

"Douglas came home to Illinois in 1854 to defend his course in the Nebraska bill," Mr. White continued, "and spoke in Chicago, but he was practically hooted from the platform. He spoke at

Springfield, and the following day Lincoln replied in the same hall and in Douglas's presence. It was a great speech and the first that gave a true measure of his ability. I was then 20 years of age, and the impression I received was overwhelming. That impression has lost nothing by the passage of time. Lincoln was then 45, and at the maturity of his powers.

"Between 1854-58 came the war in Kansas and the birth of the Republican party. Seward, Greeley, and other eastern Republican leaders advised joining forces to re-elect Douglas to the senate, but the Illinois forces, feeling they knew Douglas better, were working for Lincoln.

#### CHALLENGE COMES FROM LINCOLN.

"The debates were the result of a challenge by Lincoln. Douglas's forces were against acceptance, not because they thought he would be worsted by Lincoln, but because his great fame would draw thousands who would otherwise never hear Lincoln. But the challenge was accepted, though limited to seven debates. All were held at the open air.

"The first meeting was held at Ottawa on August 21 with immense attendance.

"Douglas opened with his remarkable fluency that covered many rocks and quicksands, and attacked Lincoln's stand that the government could not exist half free and half slave. 'Didn't Washington, Hamilton, Jefferson, and Jay in drawing the constitution leave each state free to choose?' he asked. He ended in a whirlwind of applause and Lincoln started in. Lincoln had a high pitched falsetto voice that resembled the pipe of a boat-swain's whistle, and he often had to stop for repairs in the middle of a sentence. Both mind and body worked more slowly than in Douglas's case. No one ever caught Douglas napping and he was quick as a flash in answering questions and making his interrupters feel their inferiority.

#### EARNESTNESS WINS HEARERS.

"What Lincoln lacked in mental agility he made up in moral force and earnestness, and he responded to Douglas's attacks by saying the 'Little Giant's' arguments were 'a specious and fantastic array of words by which a man might prove a horse chestnut to be a chestnut horse.'

"Six days later they met at Freeport in the most famous debate of the seven because of the question put by Lincoln to Douglas



as to the powers of the people of a territory to exclude slavery from their borders and Douglas's remedy of local police regulation and popular sovereignty. Although Douglas's answer at Freeport cost him the presidential nomination, two years later it saved him the senatorship."

The third debate was at Jonesboro. In "Egypt," where Republican votes were always recorded as "scattering," Mr. White said the attendance was small, but Lincoln "demolished" his opponent's Freeport speech. Then came the fourth meeting at Charleston, Coles county. The fifth was at Galesburg, the sixth at Quincy, and the last at Alton.

"Douglas did not make an engaging picture in the debates," said Mr. White, "but he won according to the rules of the game. Douglas had a majority of three in the senate and five in the house, but Lincoln had a popular plurality of more than 4000. Providence directed events better than we could have done. Had Douglas lost the senatorship he would not have had the strength to split the Democratic party. Had Lincoln been elected senator he probably would not have been nominated for the presidency.

"Douglas's day of glory came later when Sumter was fired on and he aligned himself with Lincoln and came home to hold the state in the Union. I heard him address the legislature, and I cannot conceive that Demosthenes, Patrick Henry, or any other orator could have surpassed his remarkable outburst of passion, perspiration, and patriotism and his tremendous earnestness. He was the only man who could have held the southern counties of Illinois for the union, and he did it."

#### THERE WERE GIANTS IN THOSE DAYS.

Whitney, in his "Life on the Circuit with Lincoln" says: "While Mr. Lincoln was not profoundly versed in black letter, or yet case law, still he effectively met the best of the profession, at first in fourteen and thereafter in eight different counties, as well as the several circuit riders. In his own county he was antagonized by Logan, Stewart, Edwards, Lamborn, Broadwell, Baker and Hay; in Shelby he was confronted by Anthony, Thornton, and Samuel W. Moulton; in Macon County, by Richard J. Oglesby, Benedict, Brower, Bunn, and Seth Post; in Coles County, by General Linder, and O. B. Ficklin; in Danville, by Oliver L. Davis, John J. Brown, and Isaac P. Walker; in Clinton, by Clifton H. Moore, and Solomon Lewis; in Bloomington, by Gridley, Judge Scott, William H. Hannah, Amos McWilliams and Winkezer; in Mt. Pulaski by Samuel C. Post and in Champaign by William J. Cowers; while, generally, in the later days on the

circuit, Leonard J. Swett antagonized him in most of the cases of importance in all courts."

"There were giants in those days. Those were great men, in fact three of them were at times supreme judges, four of them became congressmen, three United States senators, and one a governor. Two or three of them were among the best lawyers in the state, or any other state."

Abraham Lincoln, was a man who stood up and boldly executed the laws and compelled obedience to a government organized by the people, for the people.

Though continually surrounded by scheming and treacherous politicians, corrupting and perverting the legislative and judicial branches of the government in order to foster and perpetuate slavery in the United States he rose above and overpowered all his opponents, and after a bitter struggle against opposition and seemingly insurmountable difficulties, struck the shackles from the slave and left the nation, in fact as well as in name, a nation of free men. He not only gave liberty to the negro, but he gave a more enduring freedom to every living and every future citizen and inhabitant of our great republic, if not of the world.

As Abraham Lincoln grew in physical proportion and strength externally, his inner consciousness, his mental and spiritual being, was developing rapidly under his own self-culture and masterful endeavor to become a well-informed citizen of this great republic. Step by step he mounted upward until he was able through his studious investigation of the laws and history of the political issues of the day, to meet and overcome some of the greatest orators and politicians of his day.



## CHAPTER II.

ORGANIZATION OF THE REPUBLICAN PARTY—LINCOLN'S NOMINATION — DOUGLAS'S NOMINATION — LINCOLN'S ELECTION—DOUGLAS STANDS BY THE UNION AND ADVISES OTHERS TO DO SO—APRIL 23, ANNIVERSARY OF DOUGLAS'S BIRTHDAY—THE REPUBLICAN PARTY FOUNDED ON THE DECLARATION OF INDEPENDENCE.

On October 15, 1854, a mass convention of the anti-Nebraska men, was held at Springfield, when the following resolution was adopted: "First, resolved, that we believe this truth to be self-evident, that when parties become subversive of the ends for which they are established, or incapable of restoring the government to the true principles of the Constitution, it is the right and duty of the people to dissolve the political bonds by which they may have been connected therewith, and to organize new parties upon such principles and with such views as the exigencies of the nation may demand."

BEGINNING OF THE REPUBLICAN PARTY—A MEMORABLE GATHERING.

The following is copied from a pamphlet published by William A. Meese, Moline, Illinois.

The first state fair was being held at Springfield during the time the above convention was in session, and the 4th of October had been advertised as the day when Senator Douglas and others would speak. Rumor was current that both Judges Breese and Trumbull would be there to answer Douglas. There was a large attendance from all over the state. Senator Douglas arrived but Breese and Trumbull failed to appear. Abraham Lincoln, who was present, consented to discuss the questions of the day with Mr. Douglas. This was the first measuring of strength of the two master minds, who had such a large part in shaping the future destinies of this country. The debate was held in the hall of representatives. Mr. Lincoln opened the discussion in a speech of two hours.

He (a Whig) claimed to be national in his views; was opposed to disturbing slavery where it existed in the states; would sustain an efficient slave law, because of the clear grant of power in the

constitution for the recovery of fugitives from labor; believed that congress had power, and should exercise it, to prohibit slavery in the territories, citing the ordinance of 1787. He also took the broad ground derived from the Declaration of Independence, that the white man had no right to impose laws upon the blacks for their government without their consent; and concluded with a vigorous attack upon Douglas personally, taking as his text the celebrated apostrophe of that gentleman in 1849, that the Missouri compromise was canonized in the hearts of the American people, which no ruthless hand could dare to be reckless enough to disturb. He spoke with singular power, and being deeply moved himself, carried his audience with him step by step in rapt attention, by his eloquence, until his argument broke like a sun over their understanding. Mr. Lincoln's speech was heartily endorsed by the convention.

Mr. Douglas in answer, showed that the principle of legislation in the adjustment measures of 1850, supported by patriot whigs and democrats alike as a finality, was precisely the same as that embodied in the Kansas-Nebraska bill, and that the insertion of the words declaring the Missouri line inoperative and void by a southern whig, was mere surplusage, and did not change the legal effect at all; that aside from these words the act was the same in its grant of legislative powers as that of Utah and New Mexico, which had met the approbation of all parties except ultra abolitionists. The argument of his adversary, his friends claimed, was met, point by point, repelling his assaults and exposing his sophistry in a scathing and triumphant manner, as only the 'Little Giant,' with his ready powers of debate, of all men in America could have done, carrying conviction home to the minds of his hearers until their pent up enthusiasm knowing no bounds, burst forth in ringing applause from a thousand throats.

#### THE NAME REPUBLICAN.

Who first suggested the name Republican for the anti-Kansas-Nebraska partisans is not definitely known, but on March 29th, 1854, Major Alvin E. Bovay of Ripon, Wisconsin, wrote to the New York Tribune, urging Horace Greeley to recommend this name for the new party that it was proposed to form. The first state convention to adopt the name republican was that of Michigan at Jackson on July 6th, 1854. Wisconsin followed July 13th, and Vermont adopted the name the same day.

## THE FIRST CALL.

There seems to have been a general understanding for a united effort to organize a national anti-slavery party, for we hear of gatherings being called at or about the same time in various states. In this state credit is due to a newspaper man.

Some time before the holidays in December, 1855, Paul Selby, then editor of "The Morgan (now Jacksonville) Journal," formerly a Whig paper, but then an independent, published an article in which he called for a meeting of the anti-Nebraska editors of Illinois for the purpose of agreeing upon a campaign for the following year. The following is the article published:

"All editors in Illinois opposed to the Nebraska bill are requested to meet in convention at Decatur, Illinois, on the 22d of February next, for the purpose of making arrangement for the organization of the Anti-Nebraska forces in this state for the coming contest. All editors favoring the movement will please forward a copy of their papers containing their approval to the office of The Illinois State Chronicle, Decatur."

This call was published in and endorsed by the following newspapers:

The Morgan Journal, Jacksonville.  
The Chronicle, Winchester.  
The Illinois State Chronicle, Decatur.  
The Quincy Whig, Quincy.  
The Gazette, Lacon.  
The Pike County Free Press, Pittsfield.  
The Tribune, Chicago.  
The Staats Zeitung, Chicago.  
The Republican, Oquawka.  
The Republican, Peoria.  
The Prairie State, Danville.  
The Advertiser, Rock Island.  
The Fultonian, Fulton, Vermont county.  
The Journal (German), Freeport.  
The Beacon, Freeport.  
The Pantagraph, Bloomington.  
The True Democrat, Joliet.  
The Telegraph, Lockport.  
The Gazette, Kankakee.  
The Guardian, Aurora.  
The Telegraph, Dixon.  
The Gazette, Waukegan.  
The Chronicle, Peru.  
The Advocate, Belleville.  
The Journal, Chicago.  
The Journal, Sparta.



## EDITORS MEET.

The editorial convention met at Decatur February 22, 1856. A severe snowstorm which fell the night before had blockaded many of the railroads. Mr. Paul Selby in his account of this meeting said:

"The early arrivals included Dr. Charles H. Ray of the Tribune and George Schneider of the Staats Zeitung, Chicago; V. Y. Ralston of the Quincy Whig; O. P. Wharton of the Rock Island Advertiser; T. J. Pickett of the Peoria Republican; E. C. Daugherty of the Register, and E. W. Blaisdell of the Republican, Rockford; Charles Faxon of the Princeton Post; A. N. Ford of the Lacon Gazette; B. F. Shaw of the Dixon Telegraph; W. J. Usrey of the Decatur Chronicle, and Paul Selby of the Morgan Journal."

An organization was effected with Paul Selby as chairman and Mr. Usrey as secretary, while, according to its official report, Messrs. Ray, Schneider, Ralston, Wharton, Daugherty and Pickett were appointed a committee on resolutions, and Messrs. Faxon, Ford and Shaw on credentials.

The most important work of the convention was done through its committee on resolutions. Abraham Lincoln was present and was in conference with this committee, and it is claimed he dictated the policy of the convention.

The platform, while disavowing any intention to interfere in the internal affairs of any state in reference to slavery, protested against the introduction of slavery into territory already free, or its further extension; demanded the restoration of the Missouri compromise; insisted upon the maintenance of the doctrine of the Declaration of Independence as essential to freedom of speech and of the press, and, "it recognizes freedom as the rule, and slavery as the exception, made and provided for as such, and that it nowhere sanctions the idea of property in man as one of its principles;" declared in favor of the widest toleration in matters of religion and for the protection of the common school system, which was a protest against "Know-Nothingism," which had swept over the country during the preceding two years, and concluded with a demand for "reform in the administration of the state government" as second only in importance to slavery extension itself. O. P. Wharton, of the Rock Island Advertiser, was one of the nine men who drafted the resolutions.

A state central committee consisting of the following gentlemen was appointed:

First District—S. M. Church, Rockford.

Second District—W. B. Ogden, Chicago.



Third District—C. D. A. Parks, Joliet.  
Fourth District—T. J. Pickett, Peoria.  
Fifth District—Edward A. Dudley, Quincy.  
Sixth District—W. H. Herndon, Springfield.  
Seventh District—R. J. Oglesby, Decatur.  
Eighth District—Joseph Gillespie, Edwardsville.  
Ninth District—D. L. Phillips, Jonesboro.

For the State at Large—Gustavus Koerner, Belleville, and Ira O. Wilkinson, Rock Island.

The convention then adopted the following:

“Resolved. That this convention recommend a state delegate convention to be held on Thursday, the 29th day of May next, in the city of Bloomington, and that the state central committee be requested to fix the ratio of representation for that convention, and take such steps as may seem desirable to bring about a full representation from the whole state.”

#### LINCOLN DECLINES TO BE A CANDIDATE.

In the issue of Tuesday morning, February 26, 1856, the Rock Island Advertiser gave nearly a two-column report of the proceedings of the Anti-Nebraska Editorial convention. In this report it says:

“Abraham Lincoln of Springfield was present and addressed the convention at the request of the editors, in which address he avowed his determination of not allowing his name to be used during the coming political canvass as a candidate for any office. He declared his preference for Col. Wm. H. Bissel for governor and expressed his conviction that he could be elected and was the man for the times.”

#### THE PITTSBURG MEETING.

On the same day that the Illinois editors were in session, there was a similar convention held by the Anti-Nebraska editors of the state of Pennsylvania at Pittsburg, called “for the purpose of perfecting the national organization and providing for a national delegate convention of the republican party to nominate candidates for the presidency and vice presidency.”

The proceedings of the Pittsburg convention are of special interest from the fact that Illinois men were present. Mr. Giddings introduced to the Pittsburg gathering the Rev. Mr. Lovejoy of Illinois. He said: “The places of the most of those patri-

ots who were about to be shot down in Kansas, would be supplied by other free men. He was willing to go as captain or private. He would rather be there weltering in blood than to see a set of drunken ruffians take the government out of the hands of the people of Kansas."

Mr. Charding of Illinois also addressed the convention, and J. S. McMillan of this state acted as one of the vice presidents, while Judge Edwin S. Leland of Ottawa was made one of the national committeemen. This convention issued a call for a national convention to be held in Philadelphia on June 17th to nominate candidates for the presidency and vice presidency.

The following call was issued by the state central committee of Illinois:

#### ANTI-NEBRASKA STATE CONVENTION.

"A state convention of the Anti-Nebraska party in Illinois will be held in the city of Bloomington on Thursday, the 29th day of May, 1856, for the purpose of choosing candidates for state officers, appointing delegates to the national convention, transacting such other business as may properly come before the body. The committee has adopted as the basis of representation the ratio of one delegate to every 6000 inhabitants, and an additional delegate for every fractional number of 2000 and over; but counties that contain less than 6000 inhabitants are entitled to one delegate." The call was signed by:

Wm. B. Ogden	S. M. Church
F. A. Dudley	Thos. J. Pickett
R. J. Oglesby	G. D. A. Parks
Ira O. Wilkinson	W. H. Herndon
Joe Gillespie	D. L. Phillips

Ira O. Wilkinson, one of the committee at large, was for many years a judge of our circuit court and leader of the Rock Island county bar. Rock Island county was entitled to three delegates. The following call was published in the Rock Island Advertiser and Moline Workman:

#### REPUBLICAN CONVENTION.

"The state central committee having called the state convention of the republican party to a meeting at Bloomington on the 29th day of May next, the republicans of Rock Island county are required to meet at the courthouse in Rock Island on Satur-

day, the 10th day of May, next, to choose delegates to attend the state convention. It is desired that all parts of the county will be fully represented. John W. Spencer, Joesph Jackman, John V. Cook, county committee. Rock Island, April 9, 1856."

#### FOR A NATIONAL CONVENTION.

In the same paper is a call "to the people of the United States without regard to past political differences or divisions, but who are opposed to the repeal of the Missouri compromise, to the policy of the present administration to the extension of slavery into the territory, in favor of the admission of Kansas as a free state, and restoring the use of the federal government to the times of Washington and Jefferson; are invited by the national committee appointed by the Pittsburg convention on the 22d day of February, 1856, to send from each state three delegates from every congressional district, and six delegates at large to meet in Philadelphia on the 17th day of June, next for the purpose of recommending candidates to be supported for the offices of president and vice president."

Twenty-two states, including the District of Columbia, signed the call through committeemen. E. S. Leland appears for Illinois.

#### ANTI-NEBRASKA.

An article in the Chicago Tribune in May of that year shows the sentiment prevalent at that time and it further indicates that those favorable to the formation of this new party were decided on a leader in this state.

"THE BLOOMINGTON CONVENTION—Only two weeks will intervene between the present time and the day fixed for holding the anti-Nebraska state convention at Bloomington. But, though the time is short, we wish to correct one apprehension that has gone abroad in relation to the proposed gathering. It is this: That the convention is to be exclusively republican. Such is not the case. The republicans, so far as we are informed, consent to be represented there purely as anti-Nebraska men, and if there is anything in their political creed which points to more radical measures than old-line whigs and anti-Nebraska democrats can consent to, they have expressed their willingness, without dissent, to put such things in abeyance, and unite upon the platform upon which all northern men, who are not avowedly pro-slavery, ought to stand. As one of the organs of the repub-

lican opinion, we have no hesitation in saying that we advise our friends throughout the state to such a course of action. We say further, that we know of no man who is identified with the republican party who desires or would accept a nomination from the convention, for any place whatever. The republicans of the north wish to testify their sincerity by taking the places of privates in the ranks, reserving the right to do battle wherever the fight is fiercest. They expect that the nominee for governor will possibly be a man who differs with them upon some matters connected with national politics, but they do not demand uniformity of belief—do not expect it. We know not who may be on the ticket with Colonel Bissel, and we do not care what they are called, or what may be their political antecedents, so that they are men of personal and political integrity, who may be depended upon to carry out the views that they will announce. The republicans ask nothing.”

#### COUNTY CONVENTION.

On Saturday, May 10, at 2 o'clock the first republican county convention of Rock Island county was held at the Rock Island county court house. John G. Powers was chairman and O. P. Wharton, editor of the Advertiser, was secretary.

A. F. Perkins of Moline, George W. Pleasants and John W. Spencer of Rock Island were appointed a committee to select three delegates to attend the convention at Bloomington. This committee presented the names of N. C. Tyrell of Moline, R. H. Andrews of Rock Island and J. V. Cook of Camden, who were elected by the convention.

#### THE STATE CONVENTION.

The Rock Island Advertiser of Tuesday, June 3, 1856, gives a lengthy report, covering three columns, of the Bloomington convention. As delegates from Rock Island county it reports as present N. C. Tyrell, R. H. Andrews and J. V. Cook, while Ira O. Wilkinson is mentioned as one of the state central committeemen at large.

The Advertiser in speaking of the meeting says: “It was by far the largest political convention that has convened for the nomination of state officers within the borders of Illinois. Political tricksters had no hand or part in its doings, and from its patriotic resolves, we are assured that the sovereign people have made known their will.”

## THE RESOLUTIONS.

The following were the resolutions which were unanimously adopted at the state convention:

"Whereas, The present administration has prostituted its powers and devoted all its energies to the propagation of slavery, and to its expansion into territories heretofore dedicated to freedom, against the known wishes of the people of such territories, to the suppression of freedom of speech, and of the press; and to the revival of the odious doctrine of constructive treason, which has always been the resort of tyrants, and their most powerful engine of injustice and oppression; and,

"Whereas, We are convinced that an effort is making to subvert the principles, and ultimately to change the form of our government, and which it becomes all patriots who love their country and the cause of human freedom to resist; therefore,

"Resolved, That foregoing all former differences of opinion upon other questions, we pledge ourselves to unite in opposition to the present administration and to the party which upholds and supports it, and to use all honorable and constitutional means to wrest the government from the unworthy hands which now control it, and bring it back in its administration to the principles and practices of Washington, Jefferson and their great and good compatriots of the revolution;

"Resolved, That we hold, in accordance with the opinion and practices of all the great statesmen of all parties, for the first sixty years of the administration of the government, that under the constitution, Congress possesses full power to prohibit slavery in the territories; and that whilst we will maintain all constitutional rights of the south, we also hold that justice, humanity, the principles of freedom as expressed in our Declaration of Independence and our national Constitution, and the purity and perpetuity of our government, require that power should be exerted to prevent the extension of slavery into territories heretofore free:

"Resolved, That the repeal of the Missouri compromise was unwise unjust and injurious, an open and aggravated violation of the plighted faith of the states, and that the attempt of the present administration to force slavery into Kansas against the known wishes of the legal voters of that territory, is an arbitrary and tyrannous violation of the rights of the people to govern themselves, and that we will strive by all constitutional means, to secure to Kansas and Nebraska the legal guarantee against slavery of which they were deprived at the cost of the violation of the plighted faith of the nation.

"Resolved, That we are devoted to the Union, and will to the



last extremity defend it against the efforts now being made by the disunionists of the administration to compass its dissolution, and that we will support the constitution of the United States in all its provisions; regarding it as the sacred bond of our Union and the only safeguard for the preservation of the rights of ourselves and posterity.

"Resolved, That we are in favor of the immediate admission of Kansas as a member of this confederacy, under the constitution adopted by the people of said territory.

"Resolved, That the spirit of our institutions, as well as the constitution of our country guarantee the liberty of conscience as well as political freedom, and that we will proscribe no one, by legislation or otherwise, on account of religious opinions, or in consequence of place of birth.

"Resolved, That in Lyman Trumbull, our distinguished senator, the people of Illinois have an able and consistent exponent of their principles, and that his course in the senate meets with our unqualified approbation."

Although this convention was not called republican, the name not appearing in the proceedings, yet it was well understood that republican was to be the name of the new party and this convention would select delegates to attend the national republican convention at Philadelphia. On motion of John Wentworth of Cook the following resolution was adopted:

"Resolved, That the delegates in attendance from the several congressional districts be requested to suggest the name of one person from each congressional district for presidential elector, and three persons for delegates to the national convention to be held at Philadelphia on the 17th proximo, and that a committee of nine, consisting of one from each congressional district, be appointed by the chair to recommend two such electors and six such delegates for the state at large."

Jerome J. Beardsley of Rock Island was elected as the presidential elector from this (then Second) district, and T. J. Pickett, then of Peoria, was selected as a delegate to the national republican convention at Philadelphia.

#### THE LOST SPEECH.

It was at this convention that Abraham Lincoln made his famous speech, no copy of which was ever published, and which has gone down in history as "The Lost Speech." The editor of the Democratic Press of Chicago in an editorial in his paper on May 31, 1856, said:

"Abraham Lincoln of Springfield was next called out, and



made the speech of the occasion. Never has it been our fortune to listen to a more eloquent and masterly presentation of a subject. I shall not mar any of its fine proportions or brilliant passages by attempting even a synopsis of it. Mr. Lincoln must write it out and let it go before all the people. For an hour and a half he held the assemblage spellbound by the power of his argument, the intense irony of his invective, and the deep earnestness and fervid brilliancy of his eloquence. When he concluded, the audience sprang to their feet and cheer after cheer told how deeply their hearts had been touched, and their souls warmed up to a generous enthusiasm."

#### THE DELEGATES.

The following is a list of the counties represented and the names of the delegates present at the convention:

Adams—A. Williams, W. B. Powers, E. A. Dudley, Jno. Tillson, A. G. Person, George W. Burns, James T. Furness and O. H. Browning.

Bond—J. F. Alexander.

Boone—Luther W. Lawrence and Ralph Roberts.

Bureau—Charles C. Kelsey, George Radcliff and Geo. W. Stipp, Jr.

Calhoun—F. W. Kersting.

Carroll—D. H. Wheeler.

Cass—B. R. Frohook.

Champaign—J. W. Jaquith, Elisha Harkness.

Christian—W. G. Crosswaithe.

Coles—T. A. Marshall, A. Compton, William Glasgow, George C. Harding.

Cook—G. Goodrich, F. C. Sherman, Wm. A. James, A. H. Dolton, James McKie, Geo. Schneider, John Wentworth, C. H. Ray, J. L. Scripps, C. L. Wilson, Samuel Hoard, A. Aikin, H. H. Yates, I. N. Arnold, N. B. Judd, J. W. Waughop, Mark Skinner.

DeKalb—Wm. Patton, Wm. J. Hunt, James H. Beveridge.

DeWitt—S. F. Lewis, J. F. Lemon.

DuPage—W. B. Blanchard, S. P. Sedwick, J. W. Smith.

Edgar—L. Munsell, R. B. Southerland.

Edwards—Wm. Pickering.

Fulton—W. P. Kellogg, Robert Carter, S. N. Breed, T. N. Hassan, H. O. Phelps.

Greene—Daniel Bowman, Joshua W. Armstrong.

Grundy—Robert Longworth, William T. Hopkins.

Hancock—John Rise, S. W. King, S. Worley, A. Simpson.

Henderson—W. D. Henderson.

Henry—J. H. Howe, J. M. Allen.

Iroquois—W. P. Pearson, J. B. Joiner, I. Bennett.

Jersey—Thomas Cummings, M. Corey.

Jo Daviess—Adolph Meyer, T. B. Lewis, H. S. Townsend, T. Spraggins.

Kane—I. A. W. Buck, S. C. Morey, G. W. Waite, A. Adams, W. R. Baker.

Kankakee—A. W. Mack, Daniel Parker.

Kendall—J. M. Crothers, J. B. Lowry.

Knox—T. J. Hale, D. H. Frisbie, Jesse Perdue, C. J. Sellon.

Lake—E. P. Perry, N. C. Geer, Wm. B. Dodge.

LaSalle—D. L. Hough, J. A. McMillan, David Strawn, Burton C. Cook, Elmer Baldwin, C. H. Gilman.

Lee—E. M. Ingals, J. V. Eustace.

Livingston—J. H. Dart, David McWilliams.

Logan—J. L. Dugger, S. C. Parks.

McDonough—L. H. Waters, J. E. Wyne.

McHenry—S. P. Hegale, Anthony Woodspur, C. W. Craig, Wesley Diggins, Dr. Abularr, A. C. Joslyn.

McLean—James Gilmore Sr., Dr. Harrison Noble, Wm. W. Orme, delegates; A. T. Briscoe, Green B. Larrison, David Cheney, alternates.

Macon—W. J. Usrey, I. C. Pugh.

Macoupin—J. M. Palmer, John Logan, Samuel Brown, Thomas B. Lofton, P. B. Solomon, J. D. Marshall, James Wolfe.

Madison—F. S. Rutherford, H. King, George Smith, M. G. Atwood, H. S. Baker, George T. Brown, John Tirble, Gershon Flagg.

Marion—D. K. Green, T. W. Jones, S. W. Cunningham.

Marshall—Robert Boal, J. C. Tozier.

Mason—H. O'Neal, R. P. Gatton.

Menard—M. T. Morris, George Collier.

Mercer—John W. Miles, L. W. Meyers.

Montgomery—Wickcliff Kitchell, J. W. Cassady, J. T. Eccles.

Morgan—R. Yates, J. W. King, M. H. Cassell, J. B. Duncan, J. J. Cassell, R. McKee, M. J. Pond, A. P. Wood, I. L. Morrison, James Green, William L. Sargeant, J. W. Strong, James Langley, E. Lusk, B. F. Stevenson, J. N. D. Stout, A. Bulkley, B. F. Ford, J. Metcalf, J. Graham.

Moultrie—John A. Freeland.

Ogle—Charles C. Royce, F. A. McNeil, G. W. Southwick.

Peoria—J. D. Arnold, B. L. T. Bourland, R. Scholst, George T. Harding, T. J. Pickett.

Piatt—P. K. Hall.

Pike—John G. Nicolay, Wm. Ross, M. Ross, J. Grimshay, T. Worthington, W. E. Elder, J. Hall, M. J. Noyes, D. H. Gilmer, O. M. Hatch.

Putnam—B. C. Lundy.

Randolph—Thomas McClurken, Casper Horn, J. C. Holbrook, F. B. Anderson, B. J. F. Hanna.

Rock Island—N. C. Tyrell, R. H. Andrews, John V. Cook, Ira O. Wilkinson.

St. Clair—Dr. Charles Vincenz, J. B. Hoppe, Francis Wenzell, N. Miles, F. A. Carpenter.

Sangamon—A. Lincoln, Wm. H. Herndon, J. C. Conkling, Preston Breckenridge, Wm. Jayne, R. H. Ballinger, Pascal P. Enos, Wm. H. Bailhache, E. L. Baker, Peter Earnest, J. B. Weber.

Schuyler—John Clark, N. G. Wilcox.

Scott—N. M. Knapp, John Moses, James B. Young, M. James

Stark—T. J. Henderson.

Stephenson—M. P. Sweet, John H. Davis, George Nolbrecht, H. N. Hibbard.

Tazewell—D. Cheever, D. Kyes, H. Clark, George W. Shaw, John M. Busch.

Union—D. L. Phillips.

Vermilion—Joseph Peters, Martin Bouchall, A. T. Harrison.

Warren—A. C. Harding, E. A. Paine.

Washington—J. Miller, D. Kennedy.

Whiteside—William Manahan, William Protrow.

Will—G. D. A. Parks, W. Wright, J. T. Daggett, Wm. B. Hewitt, H. T. Logan, A. McIntosh, S. Anderson, J. O. Norton, Ichabod Coddings, P. Stewart.

Winnebago—F. Burnass, W. Lyman, S. M. Church, T. D. Robertson.

Woodford—C. D. Banta, R. T. Cassell.

Total number of delegates—251.

#### THE TICKET.

William H. Bissell of St. Clair county was nominated for governor; Frances A. Hoffinan of DuPage for lieutenant governor, but subsequently the name of John Wood of Adams was substituted; O. M. Hatch of Pike, for secretary of state; Jesse K. Dubois of Lawrence, for auditor; William H. Powell of Peoria for superintendent of public instruction, and James Miller for state treasurer.

Abraham Lincoln, O. H. Browning, Richard Yates, John M. Palmer, Owen Lovejoy, Lyman Trumbull, John Wentworth and Ira O. Wilkinson were among the strong men who shaped the policy of this new party.

## THE ROCK ISLAND DELEGATES.

Rock Island county's three delegates were ardent abolitionists. John V. Cook was afterward county clerk. R. H. Andrews was an attorney living in Rock Island and died the following August. Nathan C. Tyrell lived in Moline and was best known as Deacon and Squire Tyrell. He was a strong abolitionist and was one of the main agents in the operation of the "underground railway" in this locality. The deacon was comparatively a poor man, and while he gave twenty-five dollars toward assisting the Free-Soil people of Kansas, he could scarce afford it. In those days to get to Bloomington from Moline one had either to go by stage via Peoria, or by rail to LaSalle and then on the Illinois Central to Bloomington. The deacon was bound to attend the convention, and not having the money, started out on foot and walked the entire distance. On the return trip, he walked from Bloomington to Peoria, and from there he worked his passage on a boat to LaSalle, from where he paid his fare to Moline. Deacon Tyrell was a man of strong principles. He attended the Bloomington convention because he believed it was his duty, and his course stands out in strong contrast to many of the delegates of today.

## ROCK ISLAND MEETINGS.

On Thursday, June 12, there was held in the court house yard in Rock Island, an immense republican gathering of the people of that county. Gen. James H. Lane of Kansas and Joseph Knox, attorney of Rock Island, addressed the meeting. Hon. Ira O. Wilkinson was president of the gathering. George Mixter and John Deere of Moline were vice presidents. Major J. M. Allen and O. P. Wharton were secretaries.

Mr. Knox had until this meeting been a democrat, and he addressed his audience for nearly two hours. The Advertiser in speaking of his speech said:

"His desertion of the Douglas fortunes in this state is the severest blow that they have yet received. He is a warm personal friend of the 'Little Giant.' But his love for his country like that of Brutus compelled the sacrifice and we honor him for the noble manner in which he did and now maintains himself."

Mass meetings were held in all parts of the county, which were addressed by Joseph Knox, Ira O. Wilkinson, J. J. Beardsley, George Mixter, George W. Pleasants, Robert V. Smith and others.

On March 21 there was held another large republican anti-

Nebraska meeting at the court house in Rock Island. John W. Spencer was president, Capt. T. J. Robinson and S. S. Guyer vice presidents, and O. P. Wharton secretary. J. J. Beardsley was the first speaker and the press reports say: "He responded in a speech of probably an hour in length of great power—logical, historical, truthful, eloquent—convincing.

"George W. Pleasants upon call of the audience followed Mr. Beardsley in a speech of about one hour and a half, embodying one of the most eloquent and searching appeals to the common sense and patriotism of the people to which we have ever had the pleasure of listening."

#### THE GERMANS.

The German-American citizens of this county like their brothers all over the country were abolitionists, and this was a source of considerable annoyance to the democrats. As an example, I quote from the Rock Island Argus of April 15th 1856:

"It is a singular fact that the German adherents to the nigger worshippers are mostly anti-Christians and devoted followers of King Gambrinus; and the Americans (Know-Nothings) are mostly Puritans and Maine lawites. Yet both join hand in hand, under the misapplied name of 'republican' to beat the democracy, the only national party and true friends of liberty. Les extremes se touchent."

#### THE NATIONAL ELECTION.

James Buchanan was the democratic candidate for president in 1856. Millard Fillmore was the native American, and on June 17th at Philadelphia the anti-slavery democrats and whigs of the north met and organized the national republican party, and nominated John C. Fremont for president. While Buchanan carried the state by a plurality of 9164 over Fremont, the entire republican state ticket of Illinois was elected, Bissell receiving a majority of 4697 over W. A. Richardson, the democratic candidate.

Rock Island county in 1850 had only 6937 people and in 1856 our population was 16,217. The county gave Fremont 1308 votes; Buchanan 955; Fillmore 251. For governor Bissell received 1359; Richardson 958; Morris 230. For congress J. F. Farnsworth received 1302 votes, a majority of 340 over J. Van Nortwick. Thomas J. Henderson was elected to the state senate, receiving 1304 votes. J. B. Hawley was elected state's attorney.



The Camden (now Milan) precinct poll books were thrown out by the judges on account of informalities, the judges not being sworn. This precinct gave a majority of from 28 to 55 democratic.

#### SOME ILLINOIS EDITORS.

O. P. Wharton, the editor of the Rock Island Advertiser, was an Ohio man, coming to Rock Island in September, 1853, when he purchased a half interest in this paper. He continued in its publication until the spring of 1858 when the paper suspended. Mr. Wharton then left Rock Island. Mr. Wharton was a pronounced anti-slavery man and did much to strengthen the cause. In 1900 he was editor of the Journal and Local of Sandusky, Ohio.

From August, 1854, to February, 1857, Amos Smith published in Moline, The Moline Workman. Mr. Smith was a native of New Jersey, and was one of Parson Hitchcock's most ardent admirers. His paper fairly bristled with abolition arguments, and he had much to do with forming the anti-slavery sentiment in Moline. One of his contemporary editors in this county, in speaking of his paper in 1870, said: "The Workman in its political tone was decidedly Anti-Slavery."

T. J. Pickett, who was editor of the Peoria Republican, one of the newspapers to sign the call in February, 1856, was born in Kentucky and became in February, 1859, a citizen of the city of Rock Island where he started the Rock Island Register. He was in 1860 elected state senator from this county. His term extended through the 22d and 23d general assemblies, and in 1861 he was government agent at the island of Rock Island. In 1862 Mr. Pickett enlisted in the civil war and was afterward elected lieutenant colonel of the 69th Illinois infantry, and afterward promoted to the colonelcy of the 132d Illinois infantry. After the war he came to Rock Island and in 1866 was government agent on the island. In 1866 he returned to Paducah, Kentucky.

#### LINCOLN'S ADDRESS.

On December 10th, 1856, the republicans of Illinois celebrated their victory with a banquet in Chicago. Among the speakers was Abraham Lincoln. The concluding portion of his address is worthy of wider dissemination Mr. Lincoln said:



"All of us who did not vote for Mr. Buchanan, taken together, are a majority of 400,000. But in the late contest we were divided between Fremont and Fillmore. Can we not come together for the future? Let everyone who really believes, and is resolved, that free society is not, and shall not be, a failure, and who conscientiously declares that in the past contest he has done only what he thought best—let every such an one have charity to believe that every one can say as much. Thus let by-gones be by-gones. Let past differences as nothing be, and with steady eye on the real issue, let us re-inaugurate the good old 'central ideas' of the republic. We can do it. The human heart is with us—God is with us. We shall again be able, not to declare that 'all States, as States, are equal,' nor yet that 'all citizens, as citizens, are equal,' but to renew the broader, better declaration, including both these and much more, that 'all men are created equal.'"

#### ANNIVERSARY OF THE REPUBLICAN PARTY.

The republican party dates its birth from the republican national convention held at Philadelphia on June 17th, 1856. Yet the republican party in Illinois was born May 29th, 1856, at Bloomington, and as well said by Mr. Benjamin F. Shaw: "No human agency in all the tide of times has accomplished more in modifying 'Man's inhumanity to man, which makes countless thousands mourn,' than the republican party. Its efforts have been in a spirit of pure patriotism and the universal brotherhood of man."



## CHAPTER III.

THE NATIONAL REPUBLICAN CONVENTION AT CHICAGO—HORACE GREELEY, THURLOW WEED, EDWARD BATES, WILLIAM M. EVARTS, JOSHUA R. GIDDINGS, CARL SCHURZ, AND OTHER HISTORICAL CHARACTERS PRESENT—STEPHEN A. DOUGLAS.

I remember the Wigwam, and the great Republican convention held in Chicago on May 16, 1860. The Republican state convention was held in Decatur on the 10th of May. I was studying law in the office of James C. Conkling of Springfield and I had read Kent and was reading Blackstone, two volumes of which I had already finished. When Mr. Conkling went to New York to deliver speeches for Mr. Lincoln, I was left in charge of his office. Lincoln remained at home during the canvass, but kept strict watch concerning the events of the presidential campaign. Mr. Elihu B. Washburne in his reminiscences of Lincoln says: "The most thrilling event was the monster Republican mass meeting held at Springfield during the canvass. It was a meeting in which the whole state participated and was more in the nature of a personal ovation to Lincoln than a political gathering. Mr. Lincoln, surrounded by some intimate friends, sat on the balcony of his modest home and was deeply touched by the manifestations of personal and political friendship."

Lincoln went down to Decatur and was present when the two old rails were brought into the convention hall with the inscription, now famous, "Abraham Lincoln, the rail candidate for the Presidency in 1860. Two rails from a lot of 3,000, made in 1830 by Thomas Hanks and Abe Lincoln, whose father was the first pioneer of Macon county."

The Republican Convention met in Chicago May 16, 1860, and nominated Abraham Lincoln as President, and Hannibal Hamlin Vice-President. William H. Seward, who received on the first ballot 173½ votes, to Lincoln's 102, was afterwards made Secretary of State, and Mr. S. T. Chase, who received 49 votes on the first ballot, was made Secretary of the Treasury, and Simon Cameron, who received 60½ votes upon the first ballot, was made Secretary of War.

The number necessary for a choice was 233. On the third ballot Lincoln had 231½, and before figures were removed a dele-

gate from Ohio changed four votes from Chase to Lincoln. William M. Evarts finally moved to make the vote unanimous.

When the national convention was held at Chicago, in the Wigwam, an enormous building erected just to hold the large crowds that attended the convention, Lincoln remained in Springfield. Lincoln was in the office of the Sangamon Journal at the time of the second ballot. Mr. Lincoln read the telegraph notifying him of his nomination, and without stopping to receive the congratulations of his friends he said, "There is a little woman down at our house who will like to hear of this. I'll go down and tell her."

An interesting letter from Mr. Clinton L. Conkling, son of James C. Conkling, one of the electors in 1864.

Clinton Lodge,  
Wequetonsing, Michigan.

Sept. 2, 1915.

Bartow A. Ulrich, Esq.,  
Chicago, Ill.

My Dear Mr. Ulrich:

Yours of Aug. 30th has been forwarded to me here, from Springfield.

For the true statement of how Mr. Lincoln received the news of his first nomination, see transactions of Illinois State Historical Society.

No special wire was at his disposal in Springfield. I was in the telegraph office when the news came and had seen Mr. Lincoln but a moment before and rushed out and met him on the sidewalk. I was the first to tell him of his nomination.

Yours truly,

Clinton L. Conkling.

There surely never has been a party national convention held in our country amid such popular enthusiasm as that which met the delegates on their arrival in Chicago, surrounded them during their whole stay in the city, and accompanied them to their homes.

The building of the great "Wigwam" had been the subject of many telegrams and letters sent all over the country which created a popular interest in it. The outside attendance was immense. Among the delegates were Horace Greeley, Thurlow Weed, Edward Bates, afterwards attorney-general, William M. Evarts, Joshua R. Giddings, Carl Schurz, Henry S. Love, Montgomery Blair, afterwards postmaster-general, Caleb B. Smith, afterwards secretary of the interior, and O. H. Browning, also secretary of the interior.

The result is well-remembered by all. Mr. Seward failed by sixty votes to receive a majority on the first ballot. Abraham Lincoln was nominated on the third ballot, amid a scene of en-

thusiastic excitement which a similar event has never produced before or since.

In Chapter IX, under the heading of Convention 1860, in his book entitled *Illini*, Mr. Clark E. Carr, graphically describes the Convention which nominated Abraham Lincoln. He says: "Never before did a candidate for nomination to the office of President of the United States have such sagacious and earnest supporters as Abraham Lincoln."

May 19, 1860, Mr. Ashmun, Chairman of the States Delegation announced to Mr. Lincoln at his residence, his nomination. Mr. Lincoln replied as follows: "Mr. Chairman, and gentlemen of the Committee, I tender you, and through you, the Republican National Convention and all people represented in it, my profoundest thanks for the high honor done me, which you formally announce. Deeply and even painfully sensible of the deep responsibility which is inseparable from the honor, a responsibility which I could almost wish could have fallen upon some one of the far more eminent and experienced statesmen whose distinguished names were before the Convention, I shall, by your leave, consider more fully the resolutions of the Convention, denominated the platform, and without unreasonable delay, respond to you, Mr. Chairman, in writing, not doubting that the platform will be found satisfactory and the nomination accepted. Now, I will not defer the pleasure of taking you and each of you by the hand."

STEPHEN A. DOUGLAS.

The Democratic national convention met at Charleston in April, but the slavery question caused a split. The "seceders" adjourned to Baltimore, where Stephen A. Douglas was nominated, June 18. The pro-slavery democrats withdrew and nominated John C. Breckinridge, of Kentucky. The Constitutional Union democrats, or whigs, had already nominated John Bell, of Tennessee.

Mr. J. P. Usher states, in his reminiscences of Lincoln, that "during the canvass which terminated in the election of Mr. Lincoln, Mr. Douglas omitted no occasion to express his devotion to the preservation of the Union. He traversed the whole country and in all his speeches left no room to doubt his stand by the government, no matter who was elected. The pledges he then made he kept, and they were of immense value to the Union cause, and for them Mr. Lincoln never failed to express his gratification and his obligation to Mr. Douglas. No single act of Douglas's life so strongly marked his gift of leadership as that

by which he accepted a new issue and without a moment's hesitation came forward and placed himself by the side of Lincoln in defense of the government, the first as well as the greatest of war democrats."

Judge Douglas said, in a speech delivered at Norfolk, Virginia, "that it is the duty of the President of the United States, and all others in authority under him, to enforce the laws, and, I, as in duty bound by my oath of fidelity to the constitution, would do all in my power to aid the government of the United States in maintaining the laws against all resistance to them, come from what quarter it might. In other words, I think the President, whoever he may be, should treat all attempts to break up the Union by resistance to the laws, as Old Hickory treated the nullifiers in 1832."

At the special session of the House of Representatives of Illinois, he made a strong and patriotic speech for a united effort in resisting the attempts of the slave power to destroy the Union. He advised his democratic friends not to allow their opposition to the republican party to turn them into traitors to their country. (From Judge Franklin Blade's *Personal Recollections of Lincoln*.)

"Having through a friend signified his desire for an interview, Douglas went to the executive mansion between seven and eight o'clock on this Sunday evening, April 14, and being gladly received by the president, these two remarkable men sat in confidential interview without a witness for nearly two hours.

"Judge Douglas wrote the following despatch to the Associated Press which appeared the next morning, April 18, 1861. 'Senator Douglas called on the President and had an interesting conversation on the present condition of the country. The substance of it was, on the part of Douglas, that while he was unalterably opposed to the administration in all its political issues, he was prepared to fully sustain the President in the exercise of all his constitutional functions, to preserve the Union, maintain the government, and defend the Federal Capital if firm policy and prompt action was necessary. The capital was in danger and must be defended at all hazards and at any expense of men and money. He spoke of the present and future without any reference to the past.'"

"On the following morning, side by side with Lincoln's proclamation, the whole country read the telegraphic announcement of the interview and the authorized declaration. Douglas nobly redeemed the promises he had given Lincoln. He finally died at his home in Chicago, June 3, 1861.

"Douglas said to the republicans in the House of Representatives in Washington after Lincoln was nominated: 'Well, gentle-



men, you have nominated a very able and a very honest man,'” (Senator A. B. Alley.)

George Ashmun of Massachusetts furnished a copy of this despatch to Mr. I. N. Arnold, who included it in his *Life of Abraham Lincoln*.

“He made a speech at Springfield when war was declared, calling upon all his democratic adherents to come out boldly and fight in defense of the Union. This was a powerful incentive and many obeyed the call. When the Missouri compromise was repealed, the South stood solidly for Douglas, but when he held that slavery could not be taken into the new states created out of the territories unless they voted for it, they abandoned him. He advocated the right of new states to decide as to slavery or not.”

ILLINOISANS CELEBRATE CENTENNIAL ANNIVERSARY OF STEPHEN  
A. DOUGLAS'S BIRTH.

A grandson of Stephen A. Douglas, of greater stature than his illustrious forebear, but with many of the Douglas features which recalled to old-timers the famous opponent of Lincoln with vividness, came from Greensboro, N. C., to Chicago and heard “The Little Giant” of Illinois politics lauded by those who had known and loved him on the centennial anniversary of his birth.

The grandson, Martin F. Douglas, last night read a letter prepared by his father, Robert M. Douglas, the senator's only surviving son, in which was contained reminiscences of the elder Douglas and thanks to the Chicago Historical Society, which had charge of the day's memorial exercises, for bringing to public attention the honor of the name. The reading was in the historical society's building, Dearborn avenue and West Ontario street.

Sitting in the audience were Henry E. Hamilton, organizer of the “Douglas Invincibles,” and Horatio L. Wait, one of the military guard on the night of June 4, 1861, over Douglas's body in Bryan Hall.

“The very manner and gestures!” exclaimed both, startling the young man's hearers, as the speaker emphasized his talk by movement of hand and body.

“He's a grandson of Senator Douglas, all right,” added Henry Greenebaum, who made speeches for Douglas when the latter campaigned against Lincoln.

The mannerisms and expression of the young man were called those of his grandparent also by Colonel Francis A. Eastman,

Professor Elias A. Colbert, William J. Onahan, Redmond Prindle and others who were friends of the elder Douglas.

Colonel Clark E. Carr of Galesburg, a Douglas orator and personal friend, eulogized the Illinois political giant of earlier days and concluded an address containing many anecdotes and historical incidents of Douglas's career with a solemn recital of his last moments, when Douglas, dying from over-exertion in appealing to his followers in the Wigwam to stand by the nation and government, gave as his last message to his sons:

"Tell them to obey the laws and uphold the Constitution."

These words, engraved on his tomb, reflected the sentiments of the crowd of old and young that gathered in the afternoon at Thirty-fifth street and the lake to hear praises sung by his old-time friends and admirers. He was called the man who made a Lincoln possible, one of America's greatest statesmen and a man of highest patriotism.

Vice-President Marshall, writing to the Chicago Historical Society, said: "This great and good man has not received that fair meed of honor which the American Republic owes him."

The anniversary was observed also by the Iroquois Club at a luncheon.

While the Illinois legislature was celebrating the Douglas centennial today, Representative E. Williams of Illinois was eulogizing the "Little Giant" in the House of Representatives. After describing Stephen A. Douglas's early career, Mr. Williams said in part: "His rise was phenomenal. The history of this country with all its splendid opportunities and brilliant men fails to record another instance of such rapid progress and achievement."

United States Senators Lawrence Y. Sherman and James Hamilton Lewis of Illinois and James A. Reed of Missouri were among the speakers at a notable celebration before the joint assembly today of the one hundredth anniversary of the birth of Stephen A. Douglas.

Other speakers were Robert D. Douglas, a grandson of Stephen A. Douglas and a former attorney-general of South Carolina; William L. Davidson of Lewistown, a veteran Democratic editor who knew Douglas, and Everett Jennings of Chicago. Governor Dunne was the presiding officer.

Justices of the Supreme Court, state officers and many prominent politicians from all parts of the state were present. Several men whose memory runs back to the time of the Lincoln and Douglas debates occupied seats of honor on the speakers' rostrum.

Governor Dunne read a telegram from former Senator Shelby M. Cullom, who regretted his inability to be present.

Senator Lewis said Douglas had believed the United States

should not meddle in other nations' affairs nor tolerate interference.

Douglas was lauded as the highest type of statesman and patriot and as a masterly friend of home rule and state self-government by the speakers of various political faiths, praising especially his support of Lincoln once the civil war had begun.

He compared the Senate in the days of Douglas, Trumbull, Webster and Clay with the present day estimate, saying:

"In those days the United States Senate in influencing the opinion of the American citizen was the most powerful legislative body in the world, but in affecting the market rates of stock speculation it was of little consideration, as it should have been. The reverse is seen in the present day. In matters of finance and stock market gambling the United States Senate is the most potent in its least expression of legislation of all tribunals. But such has been its course in later days that in the influencing of the political opinions of the citizen, the United States Senate of today is the least potent of any legislative body in the world."

Senator Sherman concluded his address by quoting from Douglas's speech on judicial recall and the "recall of judicial decisions," as follows:

"The right and province of expounding the Constitution and construing the law is vested in the judiciary established by the Constitution."—(*Chicago Record-Herald*, ———— 1913.)



## CHAPTER IV.

SECESSION CABAL AT WASHINGTON—HOWELL COBB, SECRETARY OF TREASURY, JOHN B. FLOYD, SECRETARY OF WAR UNDER PRESIDENT BUCHANAN AMONG CONSPIRATORS—ALSO JEFFERSON DAVIS, U. S. SENATOR AND ROBERT TOOMBS, U. S. SENATOR—CAPT. SHAEFER DEFEATS PLAN TO CAPTURE WASHINGTON—VIRGINIA SECESSION ORDINANCE—LIBERATION OF SERFS BY CZAR NICHOLAS.

District Attorney Robert Ould advised President Buchanan in February 1861 not to grant the order of the Inspector-General to issue arms to the District of Columbia's troops in 1860 when Washington was threatened by the rebels in office in the Capital. Their plan was to seize the public departments at the proper moment, and obtain possession of the seal of the government. Shaefer, with the National Volunteers, was to accomplish this. He was assisted in his treasonable movements by the Secretary of War, John B. Floyd, who directed the Chief of Ordnance to cause to be issued to Capt. Shaefer all the ordnance stores he might require for his company. He also nominated Capt. Shaefer to the President for the Commission of Major in the District of Columbia's militia, which was finally granted, but subsequently recalled by Charles O. Stone, who was appointed Inspector-General, as Shaefer would not take the oath of loyalty.

Senator Sumner stated to Senator Wilson, that in the month of Jan. 1861 he called on Mr. Stanton at the department: That the latter made an appointment to see him at his apartment late that night, and at this conference described the determination of the southern leaders and developed particularly their plan to obtain possession of the nation's capitol and the nation's archives, so that they might substitute themselves for the existing government!

"That the secession of Maryland was confidently relied upon by them is well known, and if it could have been accomplished before the count of the electoral vote, which was to take place on the 13th of Feb., the rebel plan was understood to include the seizure of the capitol," said Stephen A. Douglas in his last public speech May 1, 1861 at Chicago. (*Life of Stanton* by Gorman).

"If the disunion candidate in the presidential contest had carried the united south, the scheme was, the northern candidate being



successful, to seize the capital last spring and by a united South and divided North, hold it." (Douglas, Chicago Speech.)

Stanton, Black and Holt co-operated to arouse the President to the necessity of guarding the Capital and a few hundred troops served to remind the conspirators that there would be two sides to the question; if force should attempt in Washington, what had already been done in the cotton states.

There was a regular secession cabal formed at Washington to assist the conspirators. It was composed of John B. Floyd, Secretary of War in Buchanan's Cabinet and afterwards General in the Confederate Army, Secretary Cobb, Secretary Jacob Thompson, Jefferson Davis, U. S. Senator, Robert Toombs, U. S. Senator who was finally expelled from the Senate, afterwards Brigadier-General in the Rebel Army, Vice-President Breckinridge and others. Floyd was succeeded by Joseph Holt of Kentucky and finally by the loyal and competent Edwin M. Stanton.

Messrs. Nicolay and Hay state that: "Floyd lost no opportunity to favor the conspirators. He sold them at one time five thousand muskets; then delivered five thousand from Boston Range Arsenal, advanced quotas of arms to southern states and ordered the Washington Navy Yard to manufacture howitzers and fuses for Virginia."

Secretary Floyd's note was substituted for one million dollars worth of Indian trust bonds, embezzled from the Interior Department. Jacob Thompson, Secretary of the Interior at the time, must have known how the bonds were taken. He subsequently went over to the rebels.

The day before Charleston passed the secession ordinance Floyd ordered one hundred and twenty-three cannons transferred from the Pittsburg Arsenal to the southern coast. This order was, however, subsequently countermanded by Secretary Stanton. Howard Cobb was Secretary of the Treasury, and at this time issued a six column secession address but he was soon thereafter succeeded by John A. Dix of New York. He also subsequently joined the rebel army.

Jefferson Davis was in the U. S. Senate from Mississippi. He maintained that the states possessed the right to secede from the general government, if they so desired. He also held that slaves could be taken into the territories and retained as slaves. Davis made a motion in regard to the Compromise Bill, "that nothing herein contained shall be construed to prevent said territorial legislature passing such laws as may be necessary for the protection of the rights of property, (meaning slaves) of any kind which may have been, or may be hereafter, conformable to the constitution, and laws of the United States, held in or introduced into said territory." Senator Chase proposed the following



amendment: "that nothing herein contained shall be construed as authorizing, or permitting the introduction of slavery, or the holding of persons as property in said territory." Mr. Chase declared that "the South will dissolve the Union. Their cry never astonishes, nor alarms me; shall we yield to the outcry? For one, I say never! In my judgment, it is time to pause. We have yielded point by point. We have crowded concession on concession, until duty, patriotism, shame, demand that we shall stop. We of the west are in the habit of looking upon the Union, as we look upon the arch of heaven, without thought that it can ever decay or fall." Chase and Seward delivered two great speeches against the compromise.

"The principal of the Wilmot Proviso which was being discussed was that freedom was a normal condition of annexed territory." (Albert Bushnell Hart, *Life of Chase*.)

President Buchanan continually looked to the southern Senators for advice. Jefferson Davis states in his book that Buchanan submitted his message to him to read before it was sent to the Senate, on one occasion, and "finally accepted all the modifications which he, Davis suggested." (*Rise and Fall of the Confederate Government*, by Jefferson Davis, Vol. I, Page 59.)

John B. Floyd, Secretary of War, arranged to supply Thomas F. Dayton and Senator Wigfall of Texas, twenty thousand muskets for Texas and South Carolina.

Vice-President John C. Breckenridge and Gen. Joseph E. Johnston, President of Board of Ordinance, Officers Wm. H. Trosatt, Assistant Secretary of State, and Howell Cobb of Ga., Secretary of Treasury under Buchanan, all joined the Rebel army afterwards.

The following is what Jefferson Davis said about State rights in the Senate when he withdrew from that body, January 21st, 1861:

"To the South has been proclaimed the theory that all men are created free and equal and this made the basis of attack upon her social institutions; and the sacred Declaration of Independence has been invoked to maintain the position of the equality of the races. The Declaration of Independence is to be construed by the circumstances for which it was made."

"At a cabinet meeting to consider sending assistance to Fort Sumter, Stanton instantly changed the tone of debates and in the discussion as to the binding force of a shuffling unofficial agreement to leave Fort Sumter unprotected, thundered out the blunt truth to Floyd and Thompson, that they were advocating the commission of a crime, for which if committed they ought to be hanged, and were urging the president to an act of treason, for

which, if performed, he could be impeached, removed from office and punished under the penal code."

"Floyd, who had up to that very time passed as a unionist, now appeared in his true character, and gave up the contest by resigning. Thompson soon followed on a false pretense and Thomas, Cobb's successor soon followed him. The President then surrounded himself with a patriotic cabinet and thus escaped the fate that false friends had been preparing for him." (*Gorman's Life of Stanton.*)

"The Virginia secession ordinance, though secretly adopted became quickly known to the people of Richmond. It was immediately announced to the State-Rights Convention in session in another hall, and Governor Fletcher, Senator Mason, Ex-President Tyler, and Ex-Governor Wise from the convention, soon appeared there and glorified the event with speeches—the latter commenting on the blindness which had prevented Virginia from seizing Washington before the republican hordes got possession of it." (*Nicolay and Hay's Abraham Lincoln.*)

Following is a "Declaration of Causes": "That the several states entered into the union as sovereignties; that in forming the federal government they delegated to it only specific powers for specific ends; that the federal government was not a sovereign over sovereignties, but was only an agent between them; that there existed no common arbiter to adjudge differences; that each state or sovereignty might judge for itself any violation of the common agreement and choose its own mode of redress; consequently that each state might adhere to or recede from the union at its own sovereign will and pleasure."

The leaders of the southern rebellion lacked real statesmanship and a clear understanding of the basic principles of government. While all civilized monarchical nations, except Russia and Brazil, had abolished slavery, these modern statesmen proposed to found a republic with slavery as its corner stone. These two systems are antagonistic. They were a century behind the time. They declared the states individual entities, or sovereignties, in direct opposition to the intention of the statesmen who substituted the former articles of confederation for a constitution prepared for a united country called the United States of America, with a complete national government. They attempted to found a system of government similar to a monarchy with all of the elements of feudal despotism, with a formula prepared for a representative democracy. Even the constitution of the United States was inconsistent before the amendment giving universal suffrage, as it failed to prohibit slavery.

Had these short-sighted leaders of the South been successful, there would have been continual war between these sovereign

communities, just as there has been continual war between the several sovereign states of Europe, none of them satisfied with the property they have, always wanting their neighbors.' Austria, Russia, Germany, Italy, France, England, Belgium and Turkey, with all of the smaller states, have been wrangling with each other century after century. They will continue to do so until kings, emperors and czars are abolished.

It is only by having one strong government over the entire country comprising the United States, with all the powers necessary for maintaining a nation delegated to it, that the broad area extending from the Atlantic to the Pacific and from the Northern Lakes to the Gulf of Mexico, can be kept from the continual disputes about territory prevailing on the continent of Europe.

To show his position Jefferson Davis quoted the following words of President Jefferson: "The communities were declaring their independence; the people of those communities were asserting that no man was born booted and spurred to ride over the rest of mankind; that men were created equal—meaning the men of a political community; that there was no divine right to rule; that no man inherited the right to govern; that there were no classes by which power and place descended in families, but that all stations were equally within the grasp of each member of the body politic. These were the great principles they announced; they were the purposes for which they made their declaration; these were the ends to which their denunciation was directed."

Jefferson Davis held that: "They have no reference to the slave; else how happens it, that, among the items of arraignment against George the Third, he endeavored to do just what the North has been endeavoring of late to do, stir up insurrection among our slaves."

"Had the declaration announced that the negroes were free and equal, how was the prince to be arraigned for raising insurrection among them? They, the negroes were not put upon the footing of equality with white men."

He said: "Secession is to be justified upon the basis that the states are sovereign. There was a time when none denied it—the inalienable rights of the people of the states will prevent any one from denying that each state is sovereign, and thus may reclaim the grants which it has made to any agent whatsoever. A state finding herself in the condition in which Mississippi has judged she is, claims to be exempt from any duty to execute the laws of the United States within its limits."

These were the views of Jefferson Davis when President of the Southern Confederacy. They were directly opposite to the views of Jefferson and Lincoln, presidents of the United States. On

these conflicting opinions, held by the two different presidents at the time, the war was commenced and was fought until the Southern Confederacy was overthrown by military force, and the authority of the United States government re-established.

Jefferson Davis, as President of the Southern Confederacy, was given almost unlimited power to raise, by draft or otherwise soldiers for the southern army. All white men between eighteen and twenty-five were drafted, but owners of estates were allowed exemption by paying a tax of \$500.00 if they were obliged to stay at home. Davis was almost a dictator.

The secession convention of the cotton states had appointed delegates equal in number to the former senators and representatives in congress. These sat in Montgomery, Alabama, on the 4th day of February, 1861, to form a Southern Confederacy, so that it would be fully organized before the 4th of March and before Lincoln came into power. The people, however, were not called upon to vote for the declaration of secession in the first six states. Governor Huston of Texas objected to secession, and submitted the ordinance to the voters of his state.

About the time the South was entering into a war to maintain slavery, Czar Alexander II., in his manifesto said, "That a people in which a majority of the agricultural classes was subjected to serfage, could not rival the European nations in intellectual progress, and it is clear that in modern warfare success is the resultant of all the moral and material forces of the state."

The Czar liberated 45,863,086 serfs, being the unfreed population of Russia. 23,300,000 were crown peasants. 936,477 were peasants of peonage. 20,158,231 were attached to the soil and belonged to proprietors. 1,467,378 were domestic servants.

The edict was issued in 1861.

Mr. John A. Stephens referring to the war of the South said, to Secretary Chase, "It was a war of the oligarchy against the people; that slavery was the basis of the oligarchy, but that the perpetuation of slavery was not more their object than the despotic power of the class over the mass."

Though surrounded by scheming and treacherous politicians and rebel leaders, corrupting and perverting the legislative and judicial branches of the government before and after his election in order to foster and perpetuate slavery in the United States, Lincoln rose above and overpowered all his opponents, at home and abroad and, after a bitter struggle against opposition and seemingly insurmountable difficulties, struck the shackles from the slave, and left the nation, in fact as well as in name, a nation of free men. He not only gave liberty to the negro slave, but he gave a more enduring freedom to every living and every future citizen and inhabitant of our republic and the world.



If owning negroes was an evidence of southern aristocracy, then we should hope to be delivered from such a brand. I emphatically deny that the slave owning, so-called aristocrats of the south were justified in their pretenses any more than were the successful stockjobbers and monopolistic millionaires of the North who become rapidly rich by overriding the laws of the country and the rules of honest dealing.

A CARNIVAL OF FRAUD.

While the traitors and rebels were arming and attacking the Union on every side a much worse horde of less courageous enemies were preying upon the vitals of the country in every department of government. Henry S. Alcott, who was appointed by Secretary Stanton to unearth and punish the existing frauds that were being perpetrated, gives a graphic description of his experience under the caption of "Wars, Carnival of Frauds," in the "Annals of the War." He says:

"Intrigue held the keys to the kitchen stairs of the White House, shaped legislation, sat cheek by jowl with Congressmen, and seduced commission officers from the straight path of duty. Our sailors were sent to sea in ships built of green timbers, which were fitted with engines good only for the junk shop, and greased with 'sperm' oil derived from moss-bunkers and the feet of dead horses."

"In the Navy Yard there was a system of corrupt bargains between the public servants and contractors, under which goods of inferior quality and short quantity were accepted as the lawful standard and count; public property was purloined and carried off in open daylight."

He tells the story of Salmon Kahnstom, "the giver of good dinners": "His crime consisted in procuring from landlords—generally German saloon-keepers—their signatures to blank vouchers which his clerks would fill out for one or two thousand dollars each, and then either get unprincipled commissary officers to append their certificates for an agreed price or forge them. By this device he drew over three hundred thousand dollars from the Mustering and Disbursing office in New York, of which sum the greater proportion was in due time ascertained by me to be fraud.

Eight cases of palpable forgery were designated, and the jury after deliberating only twenty minutes, brought in a verdict of guilty. The court promptly sentenced him to ten years' imprisonment at hard labor at Sing Sing.

In a civil suit against him, a large sum of money was recovered and paid over into the Treasury by the Trustees of the felon's estate."

At Louisville fraud had been perpetrated in the purchase of animals. A captain and assistant quartermaster stood by and



both took part in fraudulent adulteration of grain. They were convicted, fined ten thousand dollars and imprisoned for two years.

The delinquent horse, mule, hay, grain and other contractors in the Department of the Ohio, were thoroughly punished by fines and imprisonments.

In his "Third Semi-Annual Report" to the War Department, Mr. Alcott says:

"Evidence was elicited tending to show that the abuses of which the Commission complained, extend over the whole sea-board. The government has been in the habit of paying ruinous prices for the charter of vessels, some of which have been perfectly unseaworthy. The precious lives of officers and men, and public property to the value of millions of dollars, have been entrusted to rotten steam-boat hulks and greedy speculators and middlemen have been paid for their use, prices of the most extortionate nature."

"If we trace the history of some of the most aggressive corporations and monopolies existing today, we will find they had their start during the Civil War, when the two to three billions of government paper was being distributed with a free hand to contractors and manufacturers in many cases by dishonest officers. These corporations have not ceased to obtain support from the government to the present day. Vast frauds were perpetrated in Philadelphia in contracts for tents, canvas goods, clothing, shoes, and things of various kinds. In the two years the disbursements of the quartermaster has exceeded two hundred million dollars and were running at the rate of seventy millions annually."

Inspectors, contractors, manufacturers, and middlemen were arrested, commission officers displaced, trials were followed by convictions, fines and assessed damages. New inspectors were appointed, new standards established, and abuses were reformed.

Secretary of War Stanton, and Secretary of the Navy Wells, were constantly alert and made every effort to check these frauds.

The good judgment of President Lincoln was demonstrated in his keeping such honest and loyal secretaries in his cabinet as Stanton, Wells, Seward, Chase and Blair, to guard the interests of the republic against thieves and enemies within, as well as traitors without.

#### MR. LINCOLN'S CHARACTERISTICS.

In Mr. Lincoln's conduct towards his generals, his cabinet and Congress, through his moderation towards the leaders of the rebellion and his willingness to concede everything that it was

proper to concede, if they would peaceably uphold the Union and the Constitution, he continually acted on the basis of high Christian principles. We must acknowledge this to correctly understand the life of Lincoln and realize the principles which directed his actions. These were not usually those prompting the ambitious politicians or public leader. As appears to me, the main principles influencing him are the following:

Forgive your enemies. Do good to them who hate you.

Do unto others as you would that they should do unto you.

Do not retaliate, or return evil for evil.

Forgive those who trespass against you.

In settling a question as to right or wrong, decide for the right, however hazardous this may seem.

Make no compromise with wrong for any temporary advantage.

Overlook mere personalities in the fight for a great principle.

In referring to his correspondence with General Butler, December, 1864, when there was a conflict between civil and military authorities in West Virginia, Messrs. Nicolay and Hay state:

"One is always surprised at the ease with which the President took up these cases of contention between officials, and in a few sentences, pointed out the law and the remedy with such clearness as to make it seem that a child ought not to have erred in the original decision, but more admirable still, is the benignant and charitable spirit with which he overlooked and excused the vanity and petulance which so frequently produced them." The manner in which he overlooked and forgave the continual criticisms and personal slight of Chase and McClellan, while holding official positions under him, shows his self-control and firm adherence to the principles above enumerated. It was the same when dealing with Fremont at the commencement of the War.

The following is a message of Lincoln to his cabinet:

"I must myself determine how long to retain in and when to remove any of you from this position. It would greatly pain me to discover any of you endeavoring to procure another's removal in any way to prejudice him before the public. Such an error would be a wrong to me and much more a wrong to the country. My wish is, that on this subject no remarks are made nor questions asked by any of you here or elsewhere now or hereafter." (Nicolay and Hay, *Life of Lincoln*, Vol. 9, p. 339.)

About the close of the war, Abraham Lincoln expressed the hope that there would be no persecution, no bloody work after the war was over. None need expect he would take any part in hanging or killing even the worst of these men. "Frighten them out of the country, let down the bars, scare them off," said he, throwing up his hands as if to scare sheep. Enough lives have

been sacrificed. We must extinguish our resentment if we expect harmony and union." (Tarbell's *Life of Lincoln*.)

There were few men occupying positions of authority at this critical period who could have been entrusted with the almost despotic discretionary power vested in the President, who would have exercised this power with so much forbearance and wisdom as did this patient and considerate man, ordained to fill the responsible position of executive of a great nation, in the midst of a terrible civil war.

Amidst the confusion and anarchy prevailing in the government when Lincoln was inaugurated on the 4th of March, 1861, he maintained a cool and collected temperament and proceeded to bring order in his administration and obedience to the laws of the country, nearly one-half of which was in open insurrection. He was forced to meet not only armed rebellion in the South, but continual bickering, jealousy and discontent among his own ranks. The country was without an adequate army or navy and its commanding general was old and unable to assume personal charge of what scanty forces could be collected. The treasury was nearly empty and many forts and arsenals either in the hands of the rebels, or stripped of arms and ammunition. But amidst it all, there was one methodical progressive and commanding mind constantly at work to fulfill the mission for which he was intended.

Through Lincoln's persistence and faith in ultimate success when all about him was doubt and fear, he finally brought into existence the powerful army well organized and trained by General George B. McClellan and other generals, to meet and finally through Grant, Sherman, Sheridan and other aggressive generals, overcome the forces of the Southern Confederacy under the very efficient leadership of General Robert E. Lee.

## CHAPTER V.

ABRAHAM LINCOLN APPOINTS HIS CABINET. JEFFERSON DAVIS APPOINTS HIS CABINET. ROBERT E. LEE APPOINTED TO TAKE COMMAND OF VIRGINIA TROOPS. ENGLAND BUILDS SHIPS FOR THE CONFEDERACY AND OTHER EVENTS OF WAR RAPIDLY FOLLOW. NINE SOUTHERN STATES SECEDE. SUMTER FIRED UPON.

The public libraries contain many books which give in detail accounts of the events connected with the Civil War. It is not necessary to attempt in this book to re-publish these well known incidents—among these works are: Nicolay and Hay's *Abraham Lincoln*; Henry C. Whitney's *Life of Lincoln*, and *Life on the Circuit with Lincoln*; F. F. Browne's *Every-day Life of Lincoln*; W. O. Stoddard's *Lincoln*; I. N. Arnold's *Life of Lincoln*; Ida M. Tarbell's *Life of Lincoln*, and the *Annals of the War*, published by the Philadelphia Times. Clark E. Carr, *The Illini*.

Those wishing to obtain a correct understanding of the responsibilities of Abraham Lincoln as President and Commander-in-Chief of the Army and Navy, should read about the many engagements on land and sea between the Union and Confederate forces, ending in the complete exhaustion of the South, and the final victory of the North.

His was the controlling mind, directing through the complicated machinery of the numerous departments of the government and the changing events of the army and navy, the movements of the vast array of forces which finally gained the victory desired, and peace and unity was secured.

## EVENTS OF THE WAR.

A resolution offered by Jefferson Davis in the Senate, to extend slavery into the territories was voted down. William L. Yancy, of Alabama, representing the southern states at Charleston, April 23rd, made this the main plank of the democratic party. October 16, 1860.

Before the beginning of the war, John Brown entered Virginia at Harper's Ferry, in order to incite an insurrection among the slaves, without any warrant or justification, in opposition to law and order. He was captured by Col. Robert E. Lee, under

orders from Washington, and after trial he finally was hanged with six other companions, December 7, 1860.

Congress met at Washington and considered the secession problem. President Buchanan denied the southern states the right to secede but held that congress had no power under the Constitution "to coerce into submission a state which is attempting to withdraw, or has actually withdrawn." He said: "The fact is, our Union rests upon public opinion, and can never be cemented by the blood of its citizens shed in civil war."

Attorney-General Black sustained him in this view. The House of Representatives appointed a committee of thirty-three members who stated that "any reasonable, proper, and constitutional remedies, and effectual guarantees of their political rights and interests should be promptly and cheerfully given to the southern states." December 18, 1860:

The Senate also appointed a committee which reported later that it was "not able to agree upon any general plan of compromise."

November 8, 1860:

The Palmetto flag was hoisted in South Carolina and the United States officers there resigned. Senators Chesnut and Hammond resigned.

Georgia appropriated \$1,000,000 to arm the state.

Louisiana appropriated \$50,000, for military purposes.

December 17th:

The South Carolina convention met at Columbia, adjourned and moved to Charleston on account of small-pox.

December 20th:

South Carolina passed the Ordinance of Secession, and asked the other southern states to meet at Montgomery, Alabama. Howell Cobb and John B. Floyd, Secretary of War, were forced to resign; and Joseph Holt succeeded the latter in the War Department.

When Lewis Cass resigned, Jeremiah S. Black took his place as Secretary of State and Edwin M. Stanton became Attorney-General in Buchanan's Cabinet. Philip F. Thomas became Secretary of the Treasury, taking the place of Howell Cobb.

December 31st:

The flag of the United States was taken down by rebels from the Arsenal at Charleston.

1861.

January 3rd:

The Governor of Alabama seized the arsenal at Mt. Vernon, and Forts Pulaski and Jackson were taken by the rebels.



January 11th:

Major Robert Anderson was called upon to surrender Fort Sumter, which he refused to do.

January 9th:

Mississippi seceded.

January 10th:

Florida seceded.

January 11th:

Alabama seceded.

January 19th:

Georgia seceded.

January 26th:

Louisiana seceded.

January 21st:

Kansas admitted as a free state.

February 1st:

Texas seceded.

Jefferson Davis leaves the Senate after making a speech giving his views on the Constitution, which he considered warranted the States in seceding from the Union.

February 9th:

Jefferson Davis chosen President, and Alexander H. Stephens Vice-President, of the provisional government of the Confederate States of America. Convention met at Montgomery, and Davis was inaugurated February 18th.

February 19th:

Russia frees all the serfs by an imperial ukase issued by the Czar, Alexander II., which liberated 45,863,085 individuals. This was accomplished without bloodshed, under a monarchical government at a time when nearly half of the States of the Republic took up arms in order to establish, through bloodshed and rebellion against the government, the extension and permanency of slavery in their boasted free country.

February 4:

Delegates from the seceding states met at Montgomery, Alabama, in a Constitutional Convention, to organize a provisional government for the Confederate States. On the same day a Peace Conference met at Washington at the request of the Virginia Legislature, but accomplished nothing.

March 4th:

President Abraham Lincoln was duly inaugurated President of the United States at Washington, where he arrived safely after a perilous journey (a plot being formed to assassinate him) under protection of Pinkerton's detectives.

March 6th:

The Confederate government issued a call for 100,000 men;

269 officers resigned from the Federal army and joined the Confederate forces, as well as many West Point graduates.

The Army of the Cumberland was established.

April 11th:

Jefferson Davis demanded the surrender of Fort Sumter, which Major Anderson again refused.

April 12th:

Jefferson Davis issued a proclamation offering "letters of marque and reprisal" under the Confederate States on privateers of all nations.

President Lincoln issued a warning to all those who acted under these letters of marque, that they would be "held amenable to the laws of the United States for the prevention and punishment of piracy."

FORT SUMTER, S. C.

April 12, 1861, 3:20 A. M.

SIR:

By authority of Brigadier-General Beauregard, commanding the provisional forces of the Confederate States, we have the honor to notify you that he will open the fire of his batteries upon Fort Sumter in one hour from this time.

We have the honor to be,

Very respectfully your very obedient servants,

JAMES CHESNUT, JR.,  
Aide-de-camp

STEPHEN D. LEE,  
Captain, C. S. Army, Aide-de-camp.

TO MAJOR ROBERT ANDERSON,  
U. S. Army, commanding  
Fort Sumter.

"At 4:30 A. M. the silence was broken by the discharge of a mortar from a battery near Fort Johnson within easy range of the work: a shell rose high in the air and broke directly over Fort Sumter; its echo died away, and all was still again, when suddenly fire was opened from every battery of the enemy." (The first shot against the flag was fired by Edmund Ruffin, of Virginia.)

On the 13th Major Anderson consented to evacuate the fort and the garrison was transferred to the large transport lying off the bar and was soon on its way north.

## FORT SUMTER—A DIARY ENTRY.

April 16, 1861, I made the following entry in my journal: "Day before yesterday came the news of the taking of Fort Sumter, and the capture of Major Robert Anderson and his men (this was the officer who twenty-nine years before had signed Abraham Lincoln's release from service in the Black Hawk War). The bombardment of Fort Sumter by the Secessionists has awakened the country from the nightmare of apprehension and indecision which has long paralyzed it. The Lion of the North has been fully aroused. Yesterday came the demand for troops by Lincoln from all the states; he issued a proclamation calling for 75,000 men for three months' service. Things look fearful in every direction concerning the future of our country, and it is only when I turn from the threatening storm and look upon the delightful opening of summer, that I am reminded of the peace and harmony of nature, and hope for a restoration of harmony among my countrymen. The condition of the nation now reminds me of the turmoil of the Atlantic in some terrific storm, several of which I have experienced. I am in hopes this tempest will soon blow over and leave the Union intact, and that in the change that will come the extension of slavery will be checked, or be entirely abolished in the United States; and also that the banking system, or lack of system, with its present evils, will be rectified and the country be put on a sound financial basis, and wild-cat banks be eliminated."

"When I reflect upon the present threatened strife between the Southern and the Northern States, I shudder with apprehension for the Union, but every one I meet seems to have full confidence in Lincoln's ability to handle the situation. It has, however, been a time of disorder, and fear of impending evil ever since I arrived in America on my return from my two years' absence in Europe."

This assault upon a United States fort by the rebels resounded around the world and fired the patriotic hearts of the loyal North. This was a fatal blunder on the part of the South.

## CALL FOR TROOPS BY THE PRESIDENT OF THE UNITED STATES.

WHEREAS, the laws of the United States have been for some time past, and now are opposed and the execution thereof obstructed in the States of South Carolina, Alabama, Georgia, Florida, Mississippi, Louisiana, and Texas by combinations too powerful to be suppressed by the ordinary course of judicial proceeding or by the powers vested in the marshals by law.

NOW THEREFORE, I, Abraham Lincoln, President of the United States, in virtue of the power in me vested led by the Constitution, and the laws, have thought fit to call forth and hereby do call forth, the militia of the several States of the Union, to the aggregate number of 75,000, in order to suppress said combinations and to cause the laws to be duly executed.

The details of this object will be immediately communicated to the State authorities through the War Department. I appeal to all loyal citizens to favor, facilitate and aid this effort to maintain the honor, the integrity and existence of our National Union, and the perpetuity of popular government, and to redress wrongs already long enough endured. I deem it proper to say that the first service assigned to the forces hereby called forth will probably be to repossess the forts, places and property which have been seized from the Union, and in every event the utmost care will be observed constantly with the object aforesaid, to avoid any devastation, any destruction of, or interference with property, or any disturbance of peaceful citizens, in any part of the country; and I hereby command the persons composing the combinations aforesaid to disperse and retire peacefully to their respective abodes in twenty-four days from this date.

Deeming that the present condition of public affairs presents an extraordinary occasion, I do hereby, in virtue of the power in me vested by the Constitution, convene both Houses of Congress. Senators and Representatives are therefore summoned to assemble at their respective chambers at 12 o'clock noon, on Thursday, the 4th day of July next, then and there to consider and determine such measures as in their wisdom the public safety and interest may seem to demand.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States to be affixed.

Done at the City of Washington, this 15th day of April, in the year of our Lord, one thousand, eight hundred and sixty-one, and of the Independence of the United States the eighty-fifth.

ABRAHAM LINCOLN.

By the President,  
WILLIAM H. SEWARD,  
Secretary of State.

The actual writing of this extraordinary document was done in the few hours following the arrival of the news of the fall of Fort Sumter, but it presents no marks of sudden or hasty work. (Stoddard.)

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EVENTS OF THE WAR, CONTINUED.

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April 17th:

Virginia secedes but the western counties remaining loyal and afterwards were formed into a new state called West Virginia.

The convention passing the ordinance of secession approved the policy of the President.

April 19th:

A rigid blockade was declared at all ports within the states of South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana and Texas, and on the 27th of April this was extended to the ports of North Carolina and Virginia.

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THE TWO PRESIDENTS AND THEIR CABINETS CONTRASTED.

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Abraham Lincoln—starting as a poor boy born in a log cabin and without illustrious lineage or material advantages, but accomplishing great things stood before the world as the ideal of American liberty. The forces arrayed against him were aimed against this ideal and not against his personality. Every shot fired by those who seceded from the republic and every discouragement to the Union from abroad was aimed at liberty and against the bulwarks of a government whose corner stone was independence.

Jefferson Davis claimed he was fighting for independence; this had never been denied him, but he denied it to others. He posed as the liberator of the abused South, which had never been deprived of liberty, so far as the white race was concerned, except the liberty of slave owners to extend slavery into the territories or into the free states.

Many of the generals who were educated and instructed in military tactics by the United States, instead of defending the Republic, assailed with their battalions the capitol of their own country seeking to destroy the Temple of Liberty and the Union which their forefathers, in some cases of revolutionary times helped to establish. Their fellow countrymen, whom they were attacking, had no desire to take anything from them as they finally were forced to admit when the war was terminated and General Robert E. Lee surrendered to General Grant at Appomattox. They were granted most liberal terms, and Lee and his men were allowed their sidearms, horses and personal effects.

In the great tragedy of the Nineteenth Century, culminating in the victory of the Unionists over the Confederates, the citizens of the United States were divided into two distinct and antago-



nistic groups; on the one side were the loyal Unionists, Republicans and War Democrats; on the other side were the disloyal Secessionists.

Abraham Lincoln, being duly elected President, according to the provision of the Constitution in 1860, under a strict construction of the Constitution all the citizens of all the states were bound to recognize him as the legitimate head of the nation.

William H. Seward was appointed Secretary of State, who as senator had stood for the Union in Washington, and had assisted Lincoln in every way possible during all the plottings and dangers which surrounded him before he took the oath of office, March 4, 1861.

Salmon P. Chase was appointed Secretary of the Treasury. For many years he had been an advocate of human liberty, and was opposed to the extension of slavery. He was loyal to the Union from the first.

Simon Cameron was appointed Secretary of War, but was soon retired and sent as minister to Russia, being succeeded by Edwin M. Stanton, who had been the watch dog and the controlling mind of the War Department under Buchanan, after John B. Floyd was forced out of the Cabinet for disloyalty and fraud. Here Stanton fought the Secessionists whom he found in office in Washington. He proved himself to be a loyal and courageous Secretary of War in the Cabinet during Lincoln's administration and until his chief was assassinated. He then held the same position under President Andrew Johnson.

Gideon Wells was appointed Secretary of the Navy, Caleb B. Smith, Secretary of the Interior, Edward Bates, Attorney-General and Montgomery Blair, Postmaster-General. This composed Lincoln's Cabinet.

By the selection of these men the president showed his wisdom and keen insight into the character and qualifications of the men on whom he had to depend for assistance in their several departments during the fearful crisis which had been precipitated upon the country. Most of those selected had been given superior educational advantages in their early years to those given Mr. Lincoln, and some of these gentlemen presumed at times to be better qualified than he was to direct public affairs; yet, although Mr. Lincoln would listen to the individual advice of the different members of the Cabinet, he finally acted with dignity and directness and followed out the course he himself considered in his judgment to be right.

Jefferson Davis, who was elected President of the Southern Confederacy, was born January 5, 1808 in Christian County, Kentucky. He was a cadet at West Point from 1824 to 1828, appointed by President Monroe, taking the oath of loyalty to the

United States, and receiving the advantages of an education at the government's expense which enabled him to hold the different official positions which he subsequently occupied. Robert E. Lee was a classmate of his. Jefferson Davis was a colonel in the Mexican War, where he fought to obtain more territory for slavery; he was a lieutenant of dragoons in the regular army. In 1844 he was elected to the United States House of Representatives; for four years he was a representative from Mississippi. In 1858 he was Secretary of War under President Pierce. He was twice United States Senator, 1847-1851 and 1857-1861, and at one time Governor of Mississippi.

He was the leading spirit in the rebellion, using all the available men, and all the treasure possessed by the slave states to annihilate the government of the United States. He sought to establish an empire in the western world in antagonism to the principles of the Declaration of Independence, with slavery as its corner stone.

The cabinet appointed by Jefferson Davis was as follows: Robert Toombs, Secretary of War, who had formerly been a member of the Senate but, favoring disunion, had been expelled. He was a graduate of Union College, 1828, and of the Law University of Virginia, 1830. His term in the United States Senate extended from 1853 to 1861. He refused to take the oath of allegiance to the United States. After the war he resumed the practice of the law and made a fortune of \$500,000.

S. K. Mallory was appointed Secretary of the Navy, J. H. Reagan, Postmaster-General, and A. G. Benjamin, Attorney-General.

President Davis appointed Robert E. Lee to take command of the Virginia troops. Lee afterwards became the leading figure in the southern army.

In January 1861 a provisional government had been organized by the southern states which passed the ordinance of secession. Jurisdiction over public property in the harbor of Charleston was assumed by it, and Brigadier-General G. T. Beauregard, who had resigned his commission in the regular army, was commissioned by the Confederate government to go to Charleston and take command of the field of operations.

Through the complicity of England, for which she was later compelled to pay an indemnity of 3,000,000 pounds to those who were damaged in the United States by vessels built in England for the Southern Confederacy, the rebel leaders were enabled to fit out privateers and prey upon the merchant vessels of the United States with impunity. Two of these vessels, the *Alabama* and the *Florida*, would raise the English flag if it would aid them in their villainous piracy, capture prizes and then run past the United

States vessels blockading southern ports. The Lancaster, commanded by Captain Semmes, did considerable damage until finally it was disabled by the Tuscarora, the Chippewa, and the Kearsarge at Gibraltar. Captain Semmes sold his vessel and discharged his men. The Florida, after it had inflicted an immense amount of damage on American shipping was at last destroyed by the United States sloop of war Wachusett in the port of Bahia, Brazil. The Alabama, under charge of Captain Semmes with an English crew and gunners, after driving many United States merchant ships from the seas, and destroying many sailing vessels, and every variety of shipping, was at last compelled to encounter the United States sloop of war Kearsarge, commanded by Captain Winslow, beyond the three mile limit, off Cherbourg, France, and was overpowered and sunk.

April 16th:

Massachusetts Sixth Regiment mustered upon Boston Common, equipped for action, and was on its way to Washington by the 17th; and on the 18th it reached Baltimore and in passing through that city was attacked by a mob of secession sympathizers. The self-control of the troops prevented casualties of any serious nature. The regiment reached Washington without any further interference.

April 19th:

The New York Seventh Regiment also reached Washington.

April 20th:

Every precaution was taken and every available means was employed to protect the capital against the threatened attack from the rebels. The rebel Secretary of War boasted that the Confederate Bars would soon float over the capitol itself.

April 20th:

Navy Yard and Gosport, Virginia, burned.

April 25th:

U. S. arsenal at Harper's Ferry burned.

May 6th:

Arkansas secedes.

May 7th:

Tennessee joined the Confederacy.

May 20th:

North Carolina seceded.

May 13th:

General Butler, with less than 1000 men, entered Baltimore at night and soon had the city under command with his guns in position. The President authorized him to suspend the writ of habeas corpus.

Washington was soon placed in a safe condition and the threat-

ened siege raised. A guard was kept at Long Bridge, over the Potomac, to prevent its destruction.

May 24th:

The Union troops marched into Virginia, and strong earth-works were constructed upon the heights commanding the approaches to Washington on the Virginia side.

#### EVENTS OF 1862.

Emperor Louis Napoleon commences his strategic movements in Mexico, which he sought to control; this was considered a violation of the Monroe Doctrine and it was deemed by the United States that he was taking advantage under cover of the Civil War, in order to get a foothold in Mexico, as the United States was using all its military force in fighting the Southern Confederacy. He was cautioned not to interfere with the affairs of Mexico, but did not withdraw until 1864.

January 7th:

General Curtis, under command of General Halleck, defeats the Rebels at Pea Ridge, Arkansas.

General Don Carlos Buell supersedes General W. T. Sherman in the Department of the Cumberland.

February.

Fort Henry is captured by General U. S. Grant, also Fort Donelson, with the aid of Rear-Admiral Andrew Hall Foot with six gun-boats.

Brig. General John B. Floyd, Lieut. General Nathaniel B. Forrest and General Gideon J. Pillow, Confederate generals, escaped before the surrender.

February 16:

General Simon B. Buckner surrendered with 15,000 men.

April 6 and 7:

Gen. Albert Sidney Johnson who was in command at the battle of Shiloh, was killed, and the command of the army passed General G. T. Beauregard. Confederate loss, 10,700.

President Lincoln early in the war determined to obtain control of the Mississippi in its entire length. In pursuance of this plan, Island No. 10 on the north and Forts Jackson and St. Philip on the south had been captured, and New Orleans occupied by our troops. In the spring of 1862, and in the fall of the year, General McClelland was assigned to the command of a river expedition against Vicksburg. He captured Arkansas Post January 11th, and camped near Vicksburg. Farragut's flagship accompanied by the "Hartford" and an ironclad gun-boat rapidly passed Port Hudson. Later Porter passed Vicksburg. The Confederates were driven back from Fort Gibson. MacPherson commanded the road to Vicksburg.

May 7th, Generals MacPherson, McClelland, and Sherman simultaneously moved toward Richmond where the Confederates were massed. Grant assaulted Vicksburg on the 22nd, losing 3,000 men. He again decided a siege was necessary.

By June 8th the investment was complete, and 30,000 extra troops were ready to repel attacks from the rear.

General Pemberton, the Confederate general, whose men had been in the trenches for several weeks, offered to surrender.

Pemberton and Grant met and completed negotiations and 24,000 soldiers marched out of the forts on the 4th of June and laid down their arms.

Logan's division marched into Vicksburg hoisting the United States flag.

Grant was made Major General, Sherman and MacPherson Brigadiers.

July 9th, Port Hudson surrendered to General Banks, with 6,000 men, 51 pieces of artillery, 5,000 small arms, and military stores.

This opened the entire Mississippi River which had long been the earnest desire of President Lincoln.

The election resulted in Lincoln receiving 180 electoral votes; Breckinridge 72; Bell 39; Douglas 12. Lincoln received the vote of every free state except New Jersey, which gave to Douglas all but four votes which she gave to Lincoln. Missouri gave Douglas 9 votes; those of the other southern states were divided between Bell and Breckinridge.

Lincoln, 1,857,610; Douglas, 1,291,574; Breckinridge, 850,082; Bell, 646,124. (Greeley's *American Conflict*, vol. 1, p. 328.)

The election of Abraham Lincoln was a demonstration that the country was opposed to slavery. Up to that time the North had been grossly deceived on the subject. The people had all the time been betrayed by the politicians; they had been unable to make their sentiment known. The pro-slavery vote was only 22.4 per cent of the total. Breckinridge lacked 135,057 of a majority in the slave states.

Neither Mr. Lincoln, nor the Republican Party, thought of any unlawful or over-extreme measure against slavery. The fearful responsibility of the terrible conflict must therefore be placed with the secessionists says Mr. Ingersoll.

E. R. Ulrich, my brother, then a lumber merchant of Springfield, together with a number of other business men, presented Abraham Lincoln before he left Springfield with a fine dress-suit which he wore at his first inaugural.



## CHAPTER VI.

COL. ELMER ELLSWORTH.—HIS ASSASSINATION.—ZOUAVES HOLD  
LAST REUNION.

St. Louis Globe-Democrat: "Yes," said Mr. Frederick B. Brownell yesterday, conversing with a Globe-Democrat reporter at his car factory on North Broadway, "the announcement of the appointment of Miss Amelia Jackson the other day to a position in the Patent Office at Washington recalls the tragic incident of Col. Elmer E. Ellsworth's death at the hands of that young lady's father in the Marshall House at Alexandria, Va., in the early days of the War. A mistake has been made, however, in attributing to me the honor of avenging Col. Ellsworth's death. Jackson, the slayer of Col. Ellsworth, was killed by my brother, Lieut. Frank P. Brownell, who now lives at Detroit. He is on the retired army list. Frank was the eldest child of the family.

"But first let me say something of Col. Elmer E. Ellsworth and his regiment. Ellsworth was but little over 23 years old when he met his death at the Marshall House, in Alexandria. He was a native of the town of Mechanicsville, twelve miles from Troy. He had nothing but a common-school education. When a mere boy he went to New York City, where he obtained work and labored hard in his leisure hours to fit himself to enter West Point. Having no influential friends, he failed to get a cadetship. After about four years in New York, he went to Chicago. He was then about 20 years old. My brother Frank has his diary, given him by the dead officer's parents. The diary shows how deeply the young man was imbued with the military spirit. He seemed to have had a presentiment of the great struggle that was soon to convulse the Nation. It was during those days that he formed his famous company of the Ellsworth Zouaves. My recollection is that he became connected, while in Chicago, with the Adjutant-General's office of Illinois. His company was composed of young men of his own age. He inspired them with the same love of military glory that burned in his own breast. During the day each of the young zouaves worked at his vocation, for, like their captain, they were not rich in the world's goods. At night they drilled several hours in their armory, and there they slept. This was during the time they were preparing for their celebrated tour of the Northern cities. That tour took place in the stormy days

of '60. Every city the handsome Ellsworth and his dashing zouaves visited was wrought up to a frenzy of enthusiasm by the brilliant evolution and marvelous drill of the company. I remember when they came to Troy, the whole town went wild over them. Business was suspended, stores were closed, and merchants and clerks repaired to the field where they were camped, to witness their drilling.

"He was a protege of Abraham Lincoln before he was elected President, and the latter may have helped the young men with written recommendations to those in high places in New York. His talents, energy, and indomitable will did the rest. He raised, equipped and armed a regiment of nearly 1,200 men in New York City in a few days, when other Colonels were weeks and months in getting their complements of men.

"Washington, when Ellsworth's regiment arrived, was one vast military babel. It was full of undisciplined men, camp-followers, and adventurers of every character, and depredations and acts of outlawry were frequent. The Ellsworth Zouaves were recruited mainly from the fire boys of New York. They were full of spirit, wild, and rollicksome. There had been no time to discipline them. Many of the depredations that were committed in Washington in the early days of '61 were attributed to them. Their young commander felt these aspersions keenly. He went in person to President Lincoln and besought him to let his command form the advance of the movement then ordered into Virginia. The President refused, giving as his reason the extreme youth of the commander and the fear that he would not be able to control the wild, insubordinate men under him when they got into hostile territory.

"Then Ellsworth replied: 'Mr. President, if, on this march my men shall be guilty of any act that will reflect disgrace on them or discredit to myself, I pledge you my word of honor they shall be mustered out of service or merged into other commands.'

"Lincoln granted Ellsworth's request to let his regiment be the vanguard of the army of the United States in its first advance on Richmond. As an incident of the stay of the Ellsworth Zouaves in Washington I will mention that they were quartered in the basement of the Capitol. One night Willard's Hotel caught fire. The Zouaves, who were nearly all firemen, rushed to the various engine-houses, got out the apparatus, and suppressed the flames almost before the local Washington firemen were aware that there had been anything unusual going on.

"It was early on the morning of the 24th of May, 1861, when the several regiments ordered into Virginia began their march. The advance was made in two columns, one marching by the long

bridge into Virginia, the other by the chain bridge from Georgetown. No trumpet or soul-stirring drum betrayed their movements in the darkness. Down the avenue sounded the tread of many feet. The scene at the bridges must have been impressive beyond description. The night was cool and clear, with myriad stars, that veiled their splendor as the moon rolled up the sky on the Virginia side of the Potomac, flecking the river with patches of light, throwing grotesque shadows from the towers and arches of the bridges, and causing the muskets, sabres, and ordnance to glitter with reflected flashes among the compact masses of soldiery moving forward to the ominous accompaniment of clashing sabres and rumbling cannon. The Ellsworth Zouaves went down to Alexandria by steamer. They disembarked in the darkness just before dawn.

"At daybreak Col. Ellsworth ordered a squad detained from Company A to proceed up into the town of Alexandria and cut the telegraph wires. There were eight, all told, in the party, including the Colonel, the Chaplain of the regiment, and a newspaper correspondent. They marched right up the principal street of the town. Col. Ellsworth was the first, perhaps, to espy the Rebel flag floating over the Marshall House. He said nothing until the squad had gone fully a block past the hotel. Then he ordered the men to right about face and marched back to the house over which the insulting emblem floated. As the soldiers entered the house they encountered a man in his shirt-sleeves. He seemed excited, more from fear than anything else. Col. Ellsworth demanded: 'Who hoisted that flag?'

"'I don't know,' said the man; 'I am only a boarder here.'

"The soldiers marched up the stairs. The house was an old-fashioned brick, two stories high, and with an attic from which dormer windows led out upon the roof. Col. Ellsworth borrowed a knife from one of the men named Wisner, mounted the roof, and cut down the flag. Then the return to the street was begun. My brother, Frank E. Brownell led the way; Col. Ellsworth followed with the flag in his hand, and behind him came the newspaper correspondent.

"As my brother reached the landing on the stairs, between the second and third stories, the same man whom they had encountered when they entered the house rushed from a room near the stairway. He held a double-barreled shotgun in his hand, and quick as a flash aimed it at Col. Ellsworth. My brother was armed with an old-fashioned Springfield rifle, with a sword bayonet fixed on the end of it. His weapon was too long to handle quickly. He stepped back, threw down his gun on the assassin, and, as the latter discharged the deadly contents into the breast of Col. Ellsworth, shot him through the center of the face.

Brother Frank did not know, in the excitement, whether he had hit the man or not, and, immediately after firing the shot drove his sword bayonet through the man's (Jackson's) body, pushing him down the remaining section of the stairway. The death of both men was instantaneous. Col. Ellsworth fell forward on his face, flooding the floor with his blood. Jackson, his assassin, fell at the foot of the stairs on his back as soon as the bayonet was withdrawn from his body. Col. Ellsworth's remains were laid out on a bed in one of the rooms of the house in which he was murdered. His death did more to enkindle patriotism and swell the volunteer enlistments in the North than any other incident. I can remember the words of the telegram my brother sent home on the occasion of his killing Jackson. The message was short. It read:

"*Father.* Col. Ellsworth was shot dead this morning. I killed his murderer."

"Many have blamed Col. Ellsworth for rashness and impetuosity in tearing down the Rebel flag. My brother believes he had in mind his promise to the President. He feared his men, seeing the emblem of disloyalty floating about the Marshall House, might be frenzied into committing acts of destruction. He retraced his steps with the purpose of removing the aggravating symbol of rebellion. The gallant martyr sleeps at Mechanicsville. His blood stained uniform, the Rebel flag he tore from the Marshall House, and the shotgun of Jackson are, I think, inclosed in a glass case in the capitol at Albany."

## THE FALL OF ELLSWORTH.

WRITTEN THE DAY AFTER THE ASSASSINATION OF ELLSWORTH.

### SCENE I.

Headquarters 1st Zouaves,—Camp Lincoln, Washington, May 28th, 1861.

*Characters*—COL. ELLSWORTH, MR. BROWNELL, CAPT. JOHN WILEY, and others.

ELLSWORTH, (*slowly pacing the room; in an undertone, his eyes bent upon the floor.*)

My pen beneath the quivering light doth shine,  
Just used to bid my parents fond adieus,  
And needeth but my touch again to form  
Fond lines of comfort to *her* fearful heart.

Note.—No apology is needed for inserting this youthful production. Every piece of writing, diary, newspaper or hand-bill of the time is a source of history. The above lines were written by the author at the time of the tragedy and published in a local paper. It was also distributed among recruits. I belonged to a Springfield Company of Zouaves before I went to Europe.

*Her*,—did none hear me? Secret is our love.  
My country, know'st thou what the sacrifice  
In changeless daring I would make for thee?  
The rent of youthful loving hearts, how keen!  
The nightly parting, fearful ne'er again  
Upon this battle raging earth to meet?  
Sacrifice, said I! Ah, glad the death  
Bestowed for thee, thou banner in the night,  
Besprinkled o'er with stars that brilliant shine  
As those that fill yon cloudless realms above!  
And ye proud lands, that stretch serene around,  
In gentle slumbers at the midnight watch  
Death! The word did never thus awake my thoughts;  
The warrior's gasp, his groan, his spirit's flight,  
Ah whence? Why rushes up the tide of life  
Days, deeds, and thoughts oblivious long.  
And many cherished ties to earth and life?  
Why ponders o'er those weeping friends, my mind,  
That chamber trod by solitary feet?  
Nay, let alone the pen, for thou wilt fill  
Her tender sympathy with thoughtless pain.  
My mother, thou wilt soothe her early loss,  
And she will cherish thee, remembering thine.

CAPTAIN WILDER.

Well, Colonel, why dost thou not dress? 'tis time—  
Our boys are nearly all now in the ranks.

ELLSWORTH.

Why, my good fellow, you have moved so still  
I thought that I was in the room alone!  
Ah Captain, I was thinking of the garb  
I should prefer to robe me in to die!

CAPTAIN WILDER.

Why, my good fellow, dost thou think of death?  
Yon beauteous flag shall wave o'er all the land,  
O'er cities North, and South, and East, and West,  
And many a traitor to his country's trust  
Will by the neck be hung, or thrust from thence  
An exile, branded in the face with *shame*.  
I hope, before thou shalt be called to die.



## ELLSWORTH.

If I tomorrow must be shot, I'll die  
In this same suit, as yet unworn and new.  
That then will be my end, I have, as 'twere  
A sure presentiment. Yes, my country needs  
Immediately my blood, and it shall flow.

## CAPTAIN WILDER.

Be not so anxious of so great a grief,  
Thy country needs thee and thy valiant arm.  
[Song—"Columbia, the Gem of the Ocean," heard in the camp.  
*Exit both.*]

## SCENE 2.

Alexandria, 5 hours after the preceding.

*Characters*—COL. ELLSWORTH, REV. E. W. DODGE, BROWNELL, and others. Body of the regiment landing on the wharf, Dayton, private, great friend to Ellsworth.

## ELLSWORTH.

First, Winsor, we will seize the telegraph,  
Thus cutting off connection with the South.  
I think, friend Dodge, and Brownell, we'll suffice  
For carrying out this end. And you there—  
Squad in front—just follow us behind.  
This place seems dreaming yet, unconscious all  
The treading in its midst of patriot troops,  
And knoweth not the day. Ha! there! ha! ha!  
A palmate floating in the lazy breeze.  
Down, down from yonder height, ye treacherous rag,  
Signal afar of traitors and their haunts,  
Long visible from Washington, and camps  
Of those for honor fighting, and the stars.  
Come, noble comrades, haste your steps, and we  
Will drag it in the dust in little time.

## BROWNELL AND OTHERS.

Advance—we'll follow. Cursed be the flag!  
[They near the Marshall House, over which the secession flag floats.]



REV. E. W. DODGE.

My comrades, let us lift him from this spot  
See how his blood has purged this crouching flag  
From all the treason it proclaimed to earth;  
Would like a ransom innocently slain,  
As Christ for sin, he for this land could be,  
And those who wrongly war, should see the right,  
And loathe to shed such nobly flowing blood,  
Or blood of their own youth, who causeless fight,  
Ne'er injured by the hands they strive against!

[The regiment comes near. Roll of the drum heard. They hear of the fall of their leader and gaining the house crowd to see him. Weeping heard among the Zouaves.]

DAYTON.

Hung be the heaven's with black, turn day to night,  
Weep ocean, briny tears, and scatter earth  
Ye falling dews, with sorrowing drops,  
Dimmed let the moon appear, and wait ye stars,  
To see him lowered 'neath the crying earth;  
And Freedom's daughters, ponder o'er the loss;  
And youthful heirs of liberty attend,  
And buckling on your swords, avenge the deed;  
Ye old men, cherish now your sons the more,  
And mothers, teach your sons of lasting life;  
Think, nations all, the gloomy ways of war,  
In maddened rage bleed not your youths with steel;  
Draped be the chair of state with mournful black,  
Droop flag of Truth, and shield the slumbering dead.

FOUR CHICAGO ZOUAVES HOLD THEIR LAST REUNION.

The Chicago Zouaves never will muster again. Four strong, they held their last reunion in the lobby of the Grand Pacific hotel. In 1861 the Ellsworth Zouaves went to the front as the best drilled company in the west. With them went the Lincoln Wide Awakes.

There was one member of the latter company present. He drew his chair up to the group of white-haired men and the business of the reunion was commenced forthwith. Civil war stories were told, the death of E. E. Ellsworth, who was shot while climbing the roof of a house at Alexandria, Va., to pull down the confederate flag and similar anecdotes were recalled.

Those present were, Truman D. Cleveland, Maj. Frank E. Yates, board of trade; E. Hamilton Hunt, Dr. Charles E. Speer. The Wide Awake was J. B. Ferrus.

## AN INFORMAL RECEPTION TO COL. LAFLIN.

An informal reception was tendered last evening at the Palmer to Col. H. Dwight Laflin, of Saugerties, N. Y., the only surviving commissioned officer of the United States Zouave Cadets, by the surviving members of that organization residing in Chicago. This was the company organized by Col. Ellsworth in the spring of 1857 and which was disbanded at the outbreak of the War, most of the members becoming officers in the Ellsworth Zouaves. There are forty-two survivors of the original company living, of whom twenty-two reside in Chicago and vicinity. The entertainment was commenced by serenading Col. Laflin with Nevin's band, after which all repaired to Parlor N and serenaded Gen. Sheridan, who came out in the hallway and acknowledged the compliment by shaking hands all round and chatting with them for some minutes. An adjournment was then had to the club-room, where supper was served. Col. Laflin acknowledged the courtesy extended to him by a few well-chosen remarks. He gave a brief sketch of the early history of the company, with a mention of the celebrated forty-five day trip, and appropriate allusions to the lamented Ellsworth.

The following members were present: Edwin L. Brand, H. Dwight Laflin, John R. Floyd, Freeman Conner, Clifton T. Wharton, George H. Fergus, Charles C. Phillips, William M. Olcott, Samuel S. Boone, Frank E. Yates, Bennet E. Botsford, James A. Clybourn, Harrison Kelley, Edward B. Knox, and W. M. Nevins.

POEM WRITTEN AT COMMENCEMENT OF CIVIL WAR.—  
A. D. AUG. 19, 1862.

How changed the scene, in this my native land,  
From what it was, when sailing from its strand;  
To seek in distant climes for ancient lore,  
'Tis nought but turmoil, fire, and vengeful war.  
Some rend our flag, our Constitution scorn,  
And forge the chains for thousands yet unborn.  
Our sacred laws, they trample 'neath their feet,  
And slay our patriots, in the battle's heat;  
O direful day! O mournful sight to view,  
A field o'erstrewn with blood like crimson dew;  
A mighty nation rending self in twain,  
Where strife seems useless, and where war seems vain.  
Hear, gracious God the prayer I breathe to Thee!  
Stay Thou the conflict, dry the bloody sea,  
Let sounds of clashing arms, be heard no more,  
And peace, triumphant, reign from shore to shore.

Let one proud banner float upon the breeze  
From Southern gulf to glittering Northern seas.  
Great God make Thou our people truly one,  
And let them strive for Unity alone;  
Hush the mad ocean, stay the thunder clouds,  
And save our people from these bloody shrouds;  
Restore the Nation's mind to peace and rest,  
And calm the turmoil that now stirs its breast;  
Our rescued ship guide safely in her path;  
With Heaven serene, and ocean void of wrath.  
Record my prayer, O, heavenly host above!  
And for revenge and hatred, teach us love.  
'Tis but a day since I a mournful ode,  
Sang o'er a youth, who once afar abode,  
In distant climes, where joy did fill his days,  
And hope beamed 'round him with her glittering rays.  
He too, is gone, the young, the gallant, brave,  
Gone to a heaven of rest, laid in a hero's grave,  
The cannon's roar no more will wake his rest,  
Nor patriot fires bestir his manly breast.  
Alone he sleepeth in his warrior's robes  
The passing wind a requiem o'er him blows.  
Still is the night, the bustling hosts are gone,  
And quiet reigns triumphant, here alone;  
Fond Memory in her spotless robes beclad,  
Seats her before me, with a visage sad;  
And whispers not her usual notes of love,  
But chants an ode o'er him now risen above;  
She counts his virtues, marks his gifted mind,  
Shows how he honored God, and served mankind;  
And tells how, like a free born soul he moved,  
As well abroad, as in the land he loved.  
But he is gone, who, with a master hand,  
Led bravely on his valiant Northern band,  
Led on to conquer, or in blood to die;  
Disdaining e'er to turn, disdained to fly!  
Ah! yes, he's gone, his spirit's upward flight  
Stopped not till entering heaven celestial light;  
Stopped not till seated, 'mong that honored band,  
Who fought on Earth to save their native land.<sup>1</sup>  
Why this great change, these dark rebellious clouds,  
The gloom of war our country now enshrouds?  
Where is the peaceful land I left behind?  
I walk its streets, its joy I cannot find.

<sup>1</sup> This refers to Major Frederik W. Matteson, son of former Governor Matteson, whom I met in Heidelberg.



The wonted gay and happy scenes of yore,  
Have changed to strife and fratricidal war!  
Hast thou, wide wand'rer reached thy home again,  
And dost thou view its ruffled state with pain?  
Be not dismayed, the future bright doth gleam,  
From out this gloom fair freedom's star shall beam.  
In ten years' time, thus, can'st thou truly say,  
When looking back upon this stormy day:—  
Heard, gracious God, the prayer I breathed to thee;  
Stayed is the conflict, dried the bloody sea;  
While sounds of clashing arms are heard no more,  
And peace, triumphant, reigns from shore to shore.  
While one proud banner floats upon the breeze,  
From Southern gulf to glittering Northern Seas.  
Great God! Thou'st made our people truly one,  
And they strive now for Unity alone.  
Hushed the mad ocean, stayed the thunder clouds,  
And saved our people, from those bloody shrouds;  
Restored the nation's mind to peace, and rest,  
And calmed the turmoil that once stirred its breast  
Our rescued ship floats safely in her path,  
With heaven's serene, and ocean, void of wrath.  
Answered my prayer, O, heavenly host above,  
And for revenge, and hatred, we'er taught love.  
Exalted virtues, with the help of God,  
Far from those lands, where rules a regal rod,  
Laid deep foundations for a future state,  
Where Freedom rules, instead of monarch's great.  
The new-found world, became the favored land,  
And to its newfound shores, the pilgrim band  
Came fleeing persecution, o'er the main,  
To find a home, where they could rear their fane,  
And worship, unconstrained, as conscience taught.  
The God Omnipotent, whose praise they sought!  
The Mayflower brought them to this western world,  
Where they, the banner of their Lord, unfurled.  
Time fled, and varied peoples filled the land,  
Who formed small colonies, these by the hand  
Of the Creator, o'er the sea were brought,  
And from them, God, a mighty nation wrought,  
That shook from off its limbs all tyrants' chains,  
And reared a government, where Freedom reigns.  
And when the Nation issued from the strife  
Victorious, and free, with hopeful life,  
It grasped all means to hold the treasure bought  
With precious blood, and noble men, and sought

Brave George, to give him Presidential power,  
Then Washington made haughty monarchs cower.  
Think not, that God will this fair Land forsake,  
Now in its prime ; His arm will soon o'ertake  
Its enemies, and baffle all their aims,  
Raise the poor slave, and shatter all his chains.  
The glory of our country's father, cast  
A halo o'er the infant child, to last  
For ages, if the child withholds to mar  
It's brightness, beaming forth from Freedom's star.

## CHAPTER VII.

## LINCOLN'S INTUITION.

"Labor to keep alive in your breast that little spark of celestial fire called conscience."—George Washington.

Abraham Lincoln knew intuitively the right or wrong of great social problems and acted according to the dictates of his conscience. He drew inspiration from within and decided what to do in emergencies not so much from acquired wisdom as by intuition. Where other men resorted to classic lore and worldly scholastic learning, gained from the college or university, Lincoln communed with himself and ultimately discovered a rule of action and a light to guide him through the perilous labyrinth of human affairs when besieged by conflicting opinions and surrounded by enemies on every side. His quick application of some story to illustrate his position, served to prove this habit of resorting to intuitive promptings to do certain things or refuse to act on the advice of others when such advice did not coincide with his own judgment.

In his debates and speeches, it was not so much the letter of the Federal Constitution and legislative acts or glittering generalities which directed him as the spirit of justice that sprang spontaneously from within.

Douglas said "He did not care whether slavery was voted up or voted down. This Lincoln could not understand, for if slavery was wrong, according to his intuitive promptings, it should emphatically be voted down. This to him was the only course to pursue. It was axiomatic.

His intuition to do what was right and his determination to carry out his conclusions was marvelous and showed the inborn superiority of his magnanimous and exalted character. He was willing to risk his own life to achieve what he had made up his mind was the right course to pursue. It was this that won the hearts of the people everywhere and prompted him to do many merciful and benevolent acts against widespread opposition, and when he was possessed of almost autocratic power. It was this that enabled him finally to bring about the liberation of the slaves and to sign the great charter of emancipation.

By comparing the sayings of Abraham Lincoln with those wordly wise sayings of great diplomats like Talleyrand or Voltaire, or a great judge like Chief Justice Roger B. Taney, it will be easily understood how he differed from them for the better on a question of right or wrong.

Talleyrand said, "Speech was given for man to disguise his thoughts."

"Society is divided into two classes: The shearers and the shorn. We should always be with the former against the latter."

Voltaire said, "They only employ words to disguise their thoughts. Clever tyrants are never punished."

Chief Justice Taney said, in the Dred Scott decision, "The Constitution recognizes no difference between such property (meaning slaves), and any other property."

This is not the spirit of the United States Constitution nor did it agree with Abraham Lincoln's opinion, or the course he pursued when chief executive of the Nation.

Lincoln said, "In giving freedom to the slave, we assure freedom to the free—honorable alike in what we give and what we preserve."

"Let us have faith that right makes might, and in that faith let us to the end dare to do our duty as we understand it."

"I take the official oath today with no mental reservation and with no purpose to construe the constitution by any hypercritical rule."

"I intend no modification of my oft expressed wish that all men everywhere should be free."

"With malice towards none, with charity for all, with firmness in the right, as God gives us to see the right."

Lincoln was working quietly and rapidly without unnecessary publicity to meet the threatened attacks of the Confederacy, but he acted at all times with due regard to legal technicalities and did not take the initiative at any time in commencing hostilities. This was the wisest course to pursue.

In the management of the affairs of the army and navy, and meeting the requirements of every day in the struggle to maintain the government intact the President assumed and freely used from time to time, all powers required by any emergency as being conferred upon him by the emergency. If these powers were also conferred upon him by the Constitution and the laws, as previously interpreted so much the better for those instruments, and for their previous interpretation. If not, it would answer equally as well if Congress afterward should pass laws covering the matters involved, and if the Constitution should be duly amended at the defective spot, as discovered. Such is the funda-

mental law of all human societies in all revolutionary states and conditions.

"Lincoln absorbed in and united with his own action as Dictator and President, the previous action of the legislative branches of government. Members of Congress were unable to say to each other, the Commander-in-chief has issued a general order embodying and enforcing our legislation. The general order contained and embraced such amplifications as rendered a dictatorial proclamation forever independent of legislative act." (Stoddard History.)

To obtain a clear impression of Abraham Lincoln's character, it is necessary to read and study his letters and speeches. These can be found in a book entitled "Speeches and Letters of Abraham Lincoln, 1832-1865", published by J. W. Dent and Company, London, and E. P. Dutton & Company, New York. This book was given as a souvenir to those who attended the Centennial Anniversary of Lincoln's birthday at Springfield in 1909, which I attended. Speeches on Lincoln were delivered there by the Right Honorable James Bryce, Ambassador Extraordinary and Minister Plenipotentiary from Great Britain; Hon. J. J. Jusserand, Ambassador Extraordinary and Minister Plenipotentiary from the French Republic; Hon. Jonathan B. Dolliver, United States senator from Iowa, and William Jennings Bryan.

Nicolay and Hay, in their "Abraham Lincoln, a History," not only give extracts from many of Lincoln's speeches and papers, but conscientiously and graphically relate the thrilling incidents of those doubtful and anxious days during the Civil War when a great crisis was forced upon a nation entirely unprepared for the sudden assault made by a powerful and treasonable organized force within its territory which threatened its destruction. They both went with him from Springfield and were with him from first to last as private secretaries, and they personally were acquainted with many of those who were prominent in that terrible conflict. All the archives of the government during Lincoln's administration, as well as his private letters, were open to their inspection when compiling their graphic account of the life of Lincoln and the Civil War. They both were young men of high social and intellectual standing, and few historians who would have undertaken to write the life of Lincoln possessed better facilities, or were better qualified than they to do justice to the subject. I am confident that neither of them was influenced by prejudice or partiality in their account of the tragic events that occurred. I often met both these gentlemen when living in Springfield, and knew Mr. Hay intimately before he became Secretary to Lincoln. The last time I met him was in Rome in 1894, at the Hotel Quirinal. I remember we had a



long talk about municipal government, on which subject I was then writing.

Any one who will take time to read Lincoln's speeches, letters, and messages to Congress, and the Proclamation of Emancipation, will find in them remarkable uniformity, cool deliberation, and a progressive movement of thought and purpose. There is no contradiction nor subterfuge, but a firm determination to carry out a well-defined purpose from the first time he gave utterance in Illinois to his views on slavery, the Constitution and the Union, until the final premature and tragic ending of his active and useful career. In order to give an insight into Lincoln's character, and to show his humane as well as farseeing and intelligent methods, a number of his letters, proclamation, and speeches are given herewith.

LINCOLN'S FAREWELL ADDRESS AT SPRINGFIELD, FEBRUARY 11, 1861.

"My friends; no one, not in my situation, can appreciate my feelings of sadness at this parting. To this place and the kindness of these people, I owe everything. Here I have lived a quarter of a century, and have passed from a young to an old man. Here my children have been born, and one is buried. I now leave, not knowing when or whether, I may ever return, with a task before me greater than that which rested upon Washington. Without the assistance of that Divine Being who ever attended him I cannot succeed. With that assistance I cannot fail. Trusting in Him, who can go with me, and remain with you, and be everywhere for good, let us confidently hope that all will be well. To His care commending you, as I hope in your prayers you will commend me, I bid you an affectionate farewell."

This address, in view of subsequent events, is pathetic and touching. It even looks as if Mr. Lincoln had a presentiment of his tragic death.

LINCOLN'S FIRST MESSAGE TO CONGRESS, JULY 4, 1861.

Congress assembled July 4th, 1861 and President Lincoln delivered his first message.

He said, "It is thus seen that the assault upon and reduction of Fort Sumter was in no sense a matter of self-defense on the part of the assailants. They well knew that the garrison in the fort could by no possibility commit aggression upon them. They knew—they were expressly notified—that the giving of bread to the few brave and hungry men of the garrison was all which

would on that occasion be attempted, unless themselves, by resisting so much, should provoke more. They knew that this government desired to keep the garrison in the fort, not to assail them, but merely to maintain visible possession, and thus to preserve the Union from actual and immediate dissolution, trusting, as hereinbefore stated, to time, discussion, and the ballot-box, for final adjustment; and they assailed and reduced the fort for precisely the reverse object,—to drive out the visible authority of the Federal Union, and thus force it to immediate dissolution. \* \* \*

That this was their object the Executive well understood; and having said to them in the inaugural address, “You can have no conflict without being yourselves the aggressors”, he took pains not only to keep this declaration good, but also to keep the case so free from the power of ingenious sophistry that the world should not be able to misunderstand it. \* \* \*

“By the affair at Fort Sumter, with its surrounding circumstances, that point was reached. Then and thereby the assailants of the government began the conflict of arms, without a gun in sight, or in expectancy to return their fire, save only the few in the fort sent to that harbour years before for their own protection, and still ready to give that protection in whatever was lawful. In this act, discarding all else, they have forced upon the country the distinct issue, ‘immediate dissolution or blood.’”

“And this issue embraces more than the fate of the United States. It presents to the whole family of man the question whether a constitutional republic or democracy—a government of the people by the same people—can or cannot maintain its *territorial integrity* against its own domestic foes. It presents the question whether discontented individuals, too few in number to control administration, according to organic law, in any case, can always, upon the pretences made in this case, or any other pretences, or arbitrarily without any pretence, break up their government, and thus practically put an end to free government upon the earth. It forces us to ask: ‘Is there, in all republics, this inherent and fatal weakness?’ ‘Must a government, of necessity, be too strong for the liberties of its own people, or too weak to maintain its own existence?’”

#### NEED OF PREPAREDNESS.

This precedent enunciated and enforced by Abraham Lincoln, should now be regarded as a fundamental principle of our government for all time, and if necessary, adhered to in any future, similar emergency. The character of a government, whether

democratic or monarchical, should not interfere with its effectiveness and power. A republic should enforce authority and obedience equally as vigorously as a monarchy.

Lincoln showed his wisdom and capacity to rule in the great crisis when the states revolted against the government, in standing firm against all opposition from without and from within, and enforcing the supreme law of the land, which was embodied in the constitution.

The need of some provision in the United States for an army in case of emergency was seriously manifested during the crisis of the civil war. If a large standing army could not be maintained, this country should follow the example of Switzerland, and drill all able bodied men so that they could be called upon to defend the nation, if required. All students in public schools and colleges should be thoroughly trained in military tactics, and perhaps put into actual service for a time, so as to fit them for duties, if necessary. Had the United States followed this system previous to 1861, it would have been better prepared to meet the forces that were arrayed against the Union.

A powerful navy should be maintained in the Atlantic and Pacific, and naval academies should be established under central government control on the western and eastern coasts of the United States. Submarines and aeroplanes, etc., should be built and ammunition bountifully supplied so as to be always prepared for contingencies.

When first threatened by the southern rebels, Lincoln called for 75,000 men, though he had not, under the Constitution, the right to do so; but congress, as soon as it met, immediately ratified this act. Later he was voted \$500,000,000 for carrying on the war, and authorized to raise an army of 500,000 men. He was Commander-in-chief of the Army and Navy as well as being President of the United States. O. N. Stoddard, one of his historians, and also one of his secretaries, said, "He was, for the time being, an absolute dictator, and was not in any way under the control of any other power in the government. He was a sort of revolutionary dictator. He was ready and willing to use all power given to him by an unwritten commission, to see to it that the commonwealth suffered no harm from its enemies. He was president of the entire country—South as well as North. The power to set aside written law was inherent in the dictatorship, but could come even to the dictator only from the hands of necessity and to the safety of the commonwealth."

The great majority of its members were willing that the President assume the power of dictator, while the republic was struggling for life. This he practically did, and congress was willing

to place in his hands all the dictatorial powers that it was possible to give him.

But with all this power given to him, he was no tyrant in any respect, and he used it only for the preservation of the Union. Even the enemies of his country when captured, were treated humanely, unlike those imprisoned by the slaveholders of the South, who had been educated in a school of oppression and slavery.

To meet and check the influence of such men as C. L. Vallandigham, who were aiding the South while living in the North, he even suspended the writ of habeas corpus. He sent the culprit, when convicted, out of Ohio into the southern states where the friends whose cause he was advocating lived. Had Vallandigham, who was in the House of Representatives in 1860, lived in the South, advocated the cause of the Union and talked against the South, as he did against the North, he would have been shot, or imprisoned by the Confederate leader.

Lincoln was opposed to a system of retaliation, and when the South threatened to shoot Union negro soldiers taken prisoners, there was no retaliatory action taken by the North.

The draft was opposed in New York and Governor Seymour requested Mr. Lincoln to suspend the draft, which he refused to do. A riot occurred in New York, the Tribune Office was attacked and the colored orphan asylum was burned. Colonel O'Brien and others were murdered by the rioters.

Lincoln, with his simple honesty and straight-forwardness, and Grant with his faithfulness to duty and his entire lack of creative imagination and with his happy development of sound common sense, represent the liberal element of the middle and working classes; while Seymour, with his smooth and well-bred insidiousness, characterizes the aristocratical elements of the country, furnished with the thinnest guise of liberalism. Seymour occupied the position of a bitter hater of the Republican party with regard to the war, but he always knew how to subject his hatred to a cool political judgment.

In every stage of the great contest he put on the mask best suited to the momentary state of affairs. After having recommended in the first months of 1861 simple submission of the North to the South, the adoption of the Constitution of the Confederacy and the elevation of slavery to a National institution, he attacked the Republican party at the end of the same year, and also in 1862, for conducting the War without sufficient energy and in too weak a manner. In 1863, when Lee invaded Pennsylvania, he tried to convince the North that it was entirely defeated and must accept the conditions which the victorious South would dictate.



Vallandigham made a speech at Mt. Vernon, Ohio, against "King" Lincoln, and urged the people to "hurl the tyrant from the throne." At the same time a New York paper was suppressed for one day for inciting disloyalty.

Lincoln ordered the suspension of the habeas corpus.

General Burnside's Order Number 38, announced April 13th, 1863, was as follows:

"All persons found within our lines, who commit acts for the benefit of the enemies of our country, will be tried and if convicted, will suffer death."

He also stated that: "The habit of declaring sympathy for the enemy, was not to be allowed in the Department of the Ohio. It must be distinctly understood that treason, expressed or implied, will not be tolerated in this department."

Clement L. Vallandigham, formerly member of Congress from Ohio, 1860 became liable to the provision of the order and was arrested on account of disloyal and so-called copperhead speeches. He was tried by a military commission and finally convicted of publicly expressing his sympathy for those in arms against the government of the United States, in violation of Order Number 38. He was sentenced to close confinement in some fortress of the United States. On an application for a writ of habeas corpus, Judge Humphrey H. Leavitt refused to give it.

When the President, as well as Burnside, was attacked by the newspapers of the North, the President wrote to Burnside in answer to a letter from him, tendering his resignation, if he had overstepped his authority, as follows:—

"The President directs that without delay you send C. L. Vallandigham with secure guard to the headquarters of Gen. Rosecrans, to be put by him beyond our military lines, and in case of his return within our lines, he be arrested and kept in close custody for the term specified in his sentence." (McPherson's History of the Rebellion, page 162.)

He went through the South and was treated civilly, but with great caution by the leaders of the rebellion and finally sailed from Bermuda on the 22nd of June, 1863 and arrived at Halifax on July 5th and then stopped at Windsor, Canada. At this time I was studying at Michigan University in Ann Arbor in the law department, and was told about the banishment of Vallandigham.

One day a number of Union boys, including myself, took it into our heads to go over to Windsor and call upon Vallandigham. We met him at his hotel, and he was very glad to see us, taking us for sympathizers. He told us his troubles and denounced the action of the President. We did what we could to cheer him up, and then bade him good-bye.



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LINCOLN STANDS BY THE CONSTITUTION AND THE LAW.

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Mr. Lincoln said (May 1861): "For my part, I consider the first necessity that is upon us, is of providing that a popular government is not an absurdity. We must settle this question now, whether in a free government the minority have the right to break it up whenever they please. If we fail, it will go far to prove the incapacity of the people to govern themselves. There may be one consideration used in stay of such final judgment, but that is not for us to use in advance. That is, there exists in our case a vast and far-reaching disturbing element, which the history of no other free nation will probably ever present. That, however, is not for us to say at present. Taking the government as we have found it, we will see if the majority can preserve it."

Messrs. Nicolay and Hay state, in their history of Abraham Lincoln, published by the Century Company, that: "Had Lincoln been a careless, reckless man, it is difficult to imagine the damage he might have done, or the risk and excess he might have suffered the Government to run into under such conditions as existed at the commencement of the Civil War. In such a whirl Lincoln's steady common sense and caution were a rock of safety for the Nation."

"Already at this period (the commencement of his administration), Lincoln began the display of that rare ability in administration, which enabled him to smooth mountains of obstacles and bridge rivers of difficulty in his control of men."

Lincoln was devoted to the cause of freedom and a democratic form of government or representative republic, and he felt it his duty to the world to maintain the Constitution in its integrity and the Union in its entirety as an example of a model government for all nations to recognize and copy.



## CHAPTER VIII.

GENERAL GEORGE B. MCCLELLAN AND GENERAL U. S. GRANT.

October 1st, 1862, President Lincoln visited the army to see for himself if it was in good condition to pursue General Lee into Virginia.

General McClellan says in his general report: "His excellency the President honored the army of the Potomac with a visit and remained several days, during which he went through the different encampments reviewing the troops, and also went over the battle-field of South Mountain and Antietam. I had the opportunity during the visit to describe to him the operation of the army since it left Washington and gave him my reason for not following the enemy after he crossed the Potomac."

In McClellan's own story, he says: "The President more than once assured me that he was fully satisfied with my whole course from the beginning; that the only fault that he could possibly find was that I was too prone to be sure that everything was ready before action, but that my actions were all right when I started. I said to him that I thought a few experiments with those who acted before they were ready would probably convince him that in the end I consumed less time than they did."

After the President's return to Washington, October 5th, General Halleck telegraphed to McClellan under date October 6th. "The President directs that you cross the Potomac and give battle to the enemy or drive him south," etc. (The battle of Antietam, by Jacob D. Cox, Major-General U. S. V., Vol. II.)

General McClellan was much censured for his inactivity and for not moving more rapidly against the rebel army, but one thing he accomplished which was of great advantage to the Union and that was that he systematized and drilled the great army of the Potomac which Grant and others used in finally conquering the southern army.

By placing General Grant in command of the military division of the Mississippi which was composed of the departments of the Ohio, the Cumberland, and the Tennessee, superseding Rosecrans with General Thomas, the great victory at Chattanooga, November, 1863, under the immediate direction of General Grant, assisted by Generals Sheridan, Hooker, Sherman,

Thomas, and others, was assured. When the president was so fortunate as to have General Grant and General Sherman to carry on the great campaign of the war, success seemed to favor the Union army, and there was not the delay, uncertainty, and lack of co-operation with the war department as had generally occurred when McClellan and some other generals were in command.

Letter to General Grant July 13, 1863:—

MY DEAR GENERAL:

I do not remember that you and I ever met personally. I write this now as a grateful acknowledgment for the almost inestimable service you have done the country. I wish to say a word further. When you first reached the vicinity of Vicksburg, I thought you should do what you finally did,—march the troops across the neck, run the batteries with the transports and then go below; and I never had any faith except a general hope that you knew better than I, that the Yazoo Pass Expedition and the like, could succeed. When you got below and took Fort Gibson, Grand Gulf, and vicinity, I thought you should go down the river and join General Banks, and when you turned northward, east of the Big Black, I feared it was a mistake. I now wish to make the personal acknowledgment that you were right and I was wrong.

Yours truly,

A. LINCOLN.

After Burnside took possession of Knoxville and repulsed Longstreet, and Chattanooga was captured and the Union flag floated from these places to the Cumberland Gap, the president sent the following dispatch to General Grant, "Understanding that your lodgment at Chattanooga and Knoxville is now secure, I wish to tell you and all under your command of my more than thanks, my profoundest gratitude for the skill, courage, and perseverance with which you and they, through so great difficulties, have effected that important object. God bless you all."

General Grant said in his reply, "From my first entrance into the volunteer service of my country to the present day, I have never had cause of complaint—Indeed since the promotion which placed me in command of all the armies, and in view of the great responsibilities and the importance of success, I have been astonished at the readiness with which everything asked for has been yielded without an explanation being asked."

At times the President became very much discouraged at the inaction or injudicious orders of his generals. As an instance of this, was his disappointment when General Meade permitted General Lee to cross the Potomac with his army in retreat after the Battle of Gettysburg. Nicolay and Hay say:

"The 12th and 13th July, 1863, had been passed by the President in intense anxiety, and when on the 14th he heard of Lee's escape he suffered one of the deepest and bitterest disappointments of the War. 'We had them within our grasp,' he said. 'We had only to stretch forth our hands and they were ours, and nothing I could say or do could make the army move.' He had been most unfavorably impressed by a phrase in Meade's general order after the victory, in which he spoke of 'driving the invader from our soil.' This is a dreadful reminiscence of McClellan: it is the same spirit that moved him to claim a great victory because Pennsylvania and Maryland were safe, he said, 'Will our generals never get that idea out of their heads? The whole country is our soil.' He regretted that he had not himself gone to the army and personally issued the order for an attack. "Still," he said "I am very grateful to Meade for the great service he did at Gettysburg."

In Lincoln's correspondence with the generals, General T. W. Sherman said "he shows his remarkable correctness of military views." General W. T. Smith said, "I have long held to the opinion that at the close of the war Mr. Lincoln was the superior of his generals, in comprehension of the effect of strategic movements and the proper method of following up victories to their legitimate conclusions."

It will be interesting to read Lincoln's letter to George B. McClellan, February 3, 1862, and his proclamation revoking General Hunter's order setting the slaves free without authority, written May 18, 1862.

When Lincoln finally issued the Emancipation Proclamation it was not done in a spirit of retaliation, but strictly as a war measure, to facilitate the termination of a bitter struggle to maintain liberty and union for the good of humanity.

Although at times even General Grant was attacked by some of the most loyal newspapers and accused of incapacity while members of the cabinet wished to have him superseded by General Sherman or Rosecrans, Lincoln in spite of these attacks to destroy his confidence in the great western general, as stated by his historians, stood stoutly by him, saying he should have his chance, and answering the over-zealous people who accused him of intemperance by the famous mot, "If I knew what brand of whiskey he drinks, I would send a barrel of the same sort to



some other generals." This was during the campaign of the Bayous, April, 1863.

Unlike many rulers holding the exalted position occupied by President Lincoln, who was not only president, but Commander-in-chief of the Army and Navy of the United States with vast discretionary powers vested in him, he was always kind, considerate and magnanimous in his treatment and correspondence with his generals, but he was also firm and in a measure insistent upon what he considered the wisest course to pursue. When he had confidence in a commanding officer, he was careful not to interfere with his plans of operation, as the following letter to General Grant illustrates:—

LETTER FROM LINCOLN TO GRANT, APRIL 30TH, 1864.

"Not expecting to see you again before the spring campaign opens I wish to express in this way, my entire satisfaction with what you have done up to this time, so far as I understand it. The particulars of your plans I neither know nor seek to know. You are vigilant and self-reliant; and pleased with this, I wish not to intrude any constraint nor restraint upon you. While I am very anxious that any disaster or capture of our men in great numbers shall be avoided, I know these points are less likely to escape your detection than they would be mine. If there is anything wanting which is within my power to give, do not fail to let me know it. And now, with a brave army and a just cause, may God sustain you."

There were few men occupying positions of authority at this critical period who could have been intrusted with the almost despotic and discretionary power vested in presidents, who would have exercised this power with as much forbearance and wisdom as did the patient and considerate man ordained to fill the responsible position of the executive of this great nation in such a crisis.

The following letter addressed to Secretary Stanton March 1st, 1864, will illustrate the fine sense of justice and human sympathy which, amid all his trials and responsibilities, Mr. Lincoln never neglected to carry out himself, or see that those subject to his control also enforced.

"MY DEAR SIR:—

A poor widow, by the name of Baird, has a son in the army, that for some offense has been sent to serve a long time without pay, or at most, with very little pay. I do not like this punishment of withholding pay—it falls so very hard upon poor fam-

ilies. After he had been serving in this way for several months, at the tearful appeal of the poor mother, I made a direction that he be allowed to enlist a new term, on the same condition as others. She now comes and says she cannot get it acted upon. Please do it."

A. LINCOLN.

NOTE TO SECRETARY STANTON ; WASHINGTON, NOVEMBER 11, 1863.

"DEAR SIR:—

I personally wish Jacob Freese of New Jersey, to be appointed colonel of a colored regiment, and this regardless of whether he can or cannot tell the exact shade of Julius Caesar's hair."

A. L.

LETTER TO THE MOTHER OF FIVE HERO SONS.

A remarkable letter written by the President to a mother who lost five sons in Civil War.

Executive Mansion,  
Washington, November 21, 1864.

To Mrs. Bixby, Boston Mass.

Dear Madam: I have been shown in the files of the War Department a statement of the Adjutant General of Massachusetts that you are the mother of five sons, who have died gloriously on the field of battle. I feel how weak and fruitless must be any word of mine which should attempt to beguile you from the grief of a loss so overwhelming. But I cannot refrain from tendering you the consolation that may be found in the thanks of the republic they died to save. I pray that our Heavenly Father may assuage the anguish of your bereavement, and leave you only the cherished memory of the loved and lost, and the solemn pride that must be yours to have laid so costly a sacrifice upon the altar of freedom.

Yours very sincerely and respectfully,

A. LINCOLN.

## A LINCOLN STORY.

It appears that during Mr. Lincoln's term at the White House, Mr. Cross was painting his portrait, calling at the Executive Mansion several times a week for this purpose. Mr. Cross had secured the friendship and notice of Mr. Lincoln, owing to having rescued the President a number of years before while crossing a river, the row-boat having capsized.

On this particular morning, when Mr. Cross was hurrying across the City of Washington to keep his appointment, he ran across an elderly lady who stopped the painter and asked him if he could direct her to the Executive Mansion. Mr. Cross said that he, himself, was going there, and would be glad to direct her, and asked "What takes you there, Mother?" She said "I want to see the President about my boy, who is going to be shot as a deserter tomorrow morning." Having reached the White House, Mr. Cross was greeted by the President, who met him at the door in a sort of a lounging robe, which had a big rent in it. Mr. Cross told the President the mission of the old lady, and Lincoln, out of the goodness of his heart, asked her to repeat her story. He said "Tell me, Mother, all about it." She replied "My boy is a good boy, there is nothing bad about him; I guess he had gotten homesick and wanted to see his mother again, and so he came up North; he is a good boy, Mr. President, and I don't want him shot." Mr. Lincoln said "Just a minute," and looking off into space he thought for some time, and then said "Mother, you may have your boy," and thereupon he dispatched a message ordering the release of the young man.

The President put off his sitting for his portrait for Mr. Cross that morning, and said "Mr. Cross, take this dear old lady and put her up,—see that she is housed and fed, and when her son gets back to her I want to hear further of his case."

A letter written by the president Sept. 28, 1862 and recently published. It was given to the Press by Mr. John Maynard Harmon on Feb. 3, 1916.  
"Strictly private."

Executive Mansion,  
Washington, Sept. 28, 1862.

Hon. Hanibal Hamlin,

MY DEAR SIR :

Your kind letter of the 25th is just received. It is known to some that while I hope something from the proclamation, my expectations are not so sanguine as are those of some friends.

The time for its effect Southward has not come; but Northward—the effect should be instantaneous. It is six days old, and while commendation in newspapers and by distinguished individuals, is all that a vain man could wish, the stocks have declined, and troops come forward more slowly than ever. This, looked soberly in the face, is not very satisfactory. We have fewer troops in the field at the end of the six days than we had at the beginning—the attrition among the old, outnumbering the addition by the new. The North responds to the proclamation sufficiently IN BREATH; but breath alone kills no rebels.

I wish I could write more cheerfully; nor do I thank you the less for the kindness of your letter.

Yours very truly,

A. LINCOLN.





## CHAPTER IX.

## SETTLEMENT OF TRENT EPISODE.

"The Trent affair also shows the control Lincoln maintained over events that were suddenly flung upon him to be met; its early settlement showed the wisdom of the president and his cabinet. Through their deliberations and foresight, the cordial relations were maintained as far as possible which had heretofore existed between England and the United States." Henry C. Whitney, in his "Life on the Circuit with Lincoln," (Estes & Lauriat, Boston, gives a clear and truthful description of Lincoln in his earlier efforts while on the circuit in Illinois.

D. MacNeill Fairfax, Rear-Admiral U. S. N., executive officer of the San Jacinto, of which Captain John Wilkes was commander, made the following statement in "Battles and Leaders of the Civil War," Vol. II.

"At Cienfuegos, he, Captain Wilkes, learned that Messrs. Mason and Slidell, Confederate Commissioners to Europe, had reached that port, en route to England. We ascertained that their plan was to leave on the 7th of November in the English steamer Trent, for St. Thomas, on their way to England, and readily calculated when and where in the Bahama Channel we might intercept them. \* \* \* After boarding the Trent, I asked Captain Moir, if I might see the passenger list, saying I had information that Messrs. Mason and Slidell were on board."

"The mention of Mr. Slidell's name caused that gentleman to come up and say, 'I am Mr. Slidell; do you want to see me?' Mr. Mason, whom I knew well, also came up at the same time. \* \* \* I informed Captain Moir that I had been sent by my Commander to arrest Mr. Mason and Mr. Slidell." A full account of this affair is given in the second volume of "The Annals of the War." Mr. John Mason and Mr. James M. Slidell, Confederate Commissioners to Great Britain and France, were taken on board the United States screw sloop of war San Jacinto, to Fort Monroe, and afterwards to New York and Boston. A preemptory demand was made by England for their release. The Commissioners were subsequently released without unnecessary delay by the order of the president after conference with Wm. H. Seward, Secretary of State.

It was the 16th of November when news of the incident, afterwards known as the Trent affair, reached Washington.

"The capture of the Confederate Commissioners on the high seas under a neutral flag, in flagrant violation of the law of nations, a violation, brutal in its method, and useless in its results, most dangerous in its consequences, was hailed by public opinion as a splendid victory for the stars and stripes."

"Two men in Washington comprehended from the first the danger to their country of the inconsiderate act of Wilkes. These were Seward and McClellan, the former burdened with an immense responsibility, patriotically dissimulated his opinion with extraordinary finesse; he permitted the excitement to spend itself, and, thanks to the slowness of communication with England, gained time enough to extricate his government at the critical juncture, by enveloping the decision he had succeeded in extorting from 'the powers that be' in a specious web of plausibilities, calculated to sweeten the bitterness caused at home by England's exactions, and at the same time to satisfy her just demands."

"He succeeded in sparing his country and the world the horrors of a war, the result of which could hardly be imagined." (Philippe, Count de Paris, Aid-de-Camp to Gen. McClellan).

The president disavowed the actions of Captain Wilkes as the arrests were made without authority, and gave up Mason and Slidell, in accordance with the principle on which the War of 1812 was fought, to maintain, namely, the denial of the right to search neutral vessels.

Mason and Slidell, who were taken from the Trent in a British vessel, by Capt. Wilkes, November 8, 1862, were surrendered on the demand of England, after considerable negotiations with England. By acknowledging the right of England in this case, it settled the contention maintained during the War of 1812 by the United States, which was the cause of that war. Thus England tacitly admitted, or took the position in this case, that foreign nations had no right to search the vessels of another power to obtain possession of their subjects.

#### THE TREATY OF GHENT.

The original instructions of President Madison were to insist on the abolition of the forcible impressment at sea as a *sine qua non* of peace. Later Secretary of State Monroe instructed the commissioners to omit any stipulation upon the subject of impressment if found indispensably necessary to terminate the war.

Henry Clay, one of the commissioners, said, "it was a damnable bad treaty, and I don't know whether I would stand it or not." But it was signed.

#### LINCOLN'S DESIRE FOR RECONCILIATION.

To show the spirit of reconciliation on the part of Lincoln, which also began to prevail among the officers controlling the army, it is in point to state the opinion which was expressed by the Confederate general, Joseph E. Johnson, at the time of his surrender: "United States troops that remained in the southern states on military duty, conducted themselves as if they thought that the object of the war had been the restoration of the Union. They treated the people of these states as they would have treated those of Ohio or New York, if stationed among them, as their fellow citizens."

The mind of Lincoln must be studied separately, distinctly, and without bias, on account of his early inferior environments. As a matter of fact, the location and surroundings of one's birth have nothing to do with the genius or ability of a person. Trace the ancestry of the most prominent royal families, great statesmen, scholars, generals and scientists, and you will find humble and obscure beginnings. The mind is, as it were, an independent entity, disassociated with material accompaniments. So, in studying Lincoln, one must analyze his thoughts, his prominent mental features and his predominating principles, and forget where he was born or how he was originally provided with goods. His mind could grasp and did grasp with equal, if not superior clearness, strength, and rapidity, all the great principles underlying our system of government, as did the mind of Webster, or Washington, Jefferson, Madison, Monroe, or statesmen of his day like W. H. Seward, Lyman Trumbull, David Davis, or Stephen A. Douglas, all of whom had been favored with more educational advantages than Lincoln. His mind was irrepressible, and constantly alive to all great questions of the day and hour. His mind broke through his material and at first obscure surroundings like the rays of the sun through the mists about the earth, or the flash of lightning through the clouds in the sky.

After the victory at Gettysburg, he expressed a desire that in the customary celebrations of the Fourth of July, it should be acknowledged that, "He whose will, not ours, should everywhere be done, be everywhere revered with profoundest gratitude."

## THANKSGIVING PROCLAMATION.

On the 15th of July, 1863, Mr. Lincoln issued a proclamation naming the sixth of August "as a day of Thanksgiving and prayer, to render the homage due to the Divine Majesty for the wonderful things He has done in the nation's behalf: and invoke the influence of His Holy Spirit to subdue the anger which has produced and so long sustained a needless and cruel rebellion; to change the hearts of the insurgents; to guide the counsels of the government with wisdom adequate to so great a national emergency; and to visit with tender care and consolation, throughout the length and breadth of our land all those who, through the vicissitudes of the marches, voyages, battles and sieges, have been brought to suffer in mind, body, or estate; and finally to lead the whole nation, through paths of repentance and submission to the Divine Will, back to the perfect enjoyment of a Union and fraternal peace."

On the 15th of November, 1862, Lincoln issued the following letter: "The importance for man and beast of the prescribed weekly rest, the sacred rights of Christian soldiers and sailors, a becoming deference to the best sentiments of a Christian people, and a due regard, for the Divine Will, demand that Sunday labor in the Army and Navy be reduced to the measure of strict necessity. The discipline and character of the national forces should not suffer, nor the cause they defend be imperiled, by the profanation of the day, or the name of the Most High." (Stoddard's, "Life of Lincoln.")

ADDRESS AT THE DEDICATION OF THE NATIONAL CEMETERY AT  
GETTYSBURG. NOVEMBER 19TH, 1863.

"Fourscore and seven years ago our fathers brought forth upon this continent a new nation, conceived in liberty, and dedicated to the proposition that all men are created equal.

"Now we are engaged in a great civil war, testing whether that nation, or any nation so conceived and so dedicated, can long endure. We are met on a great battle-field of that war. We have come to dedicate a portion of that field as a final resting-place for those who here gave their lives that this nation might live. It is altogether fitting and proper that we should do this.

"But in a larger sense we cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it far above our power to add or detract. The world will little note nor

long remember what we say here, but it can never forget what they did here. It is for us, the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us, that from these honoured dead we take increased devotion to that cause for which they gave the last full measure of devotion; that we here highly resolve that these dead shall not have died in vain; that this nation, under God, shall have a new birth of freedom; and that government of the people, by the people, and for the people, shall not perish from the earth."

This speech is considered one of the masterpieces of English literature, and so will be handed down to future generations of Americans.

#### LORD CURZON HONORS LINCOLN.

Lord Curzon of Kedleston, chancellor of Oxford university, delivering the Rhodes lecture on "Parliamentary Eloquence," tonight said he would escape the task of deciding which was the masterpiece of modern British eloquence by awarding the prize to the American, Abraham Lincoln.

#### PROCLAMATION.

The following proclamation was issued by President Lincoln: "Reliable information being received that the insurgent force is retreating from East Tennessee, under circumstances rendering it probable that the Union forces cannot be hereafter dislodged from that important position, and entertaining this to be of high national consequence, I recommend that all loyal people do, on receipt of this information, assemble at their places of worship, and render special homage and gratitude to Almighty God, for this great advancement of the national cause."

The following was repeated by Lincoln at one of the crisis of the war: "God hath spoken once; twice have I heard this; that power belongeth unto God." Psalm 62-11.

#### LINCOLN'S FAITH IN GOD.

"God hath spoken once; twice have I heard him; that power belongeth unto God." Psalm 62-11.

In his inaugural address March 4th, 1861, Lincoln said: "In-



telligence, patriotism, Christianity and a firm reliance on Him, who has never yet forsaken this favored land, are still competent to adjust in the best way all our present difficulties. If the Almighty ruler of nations, with His eternal truth and justice, be on our side, the North, or on yours, the South, that truth and justice will surely prevail by the judgment of the Great Tribunal of the American people." September, 1862, Lincoln wrote thus: "The will of God prevails in great tests; each party claims to act in accordance with the will of God. Both may be, and one must be, wrong. God cannot be for and against the same thing at the same time. In the present civil war, it is quite possible that God's purpose is something different from the purpose of either party; and yet the human instrumentalities, working just as they do, are of the best adaptions to effect His purpose. I am almost ready to say that this is probably true: that God wills this contest and wills that it will not end yet. By His mere great power on the minds of the now contestants, he could have either saved or destroyed the Union without a human contest, yet the contest began, and having begun, He could give the final victory to either side any day, yet the contest proceeds."

W. O. Stoddard, one of Lincoln's historians, says: "This man who could not lie and did not know how to be a hypocrite, publicly and before the world declared his simple faith both then and afterwards; so doing he continually called upon his countrymen to join him in acts of repentance, forgiveness, prayer, thanksgiving, hope, trust; reassuring them in God's name when their hearts sank and their own flesh failed."

While at Richmond the president said that the terms of surrender should be liberal. "Get them to plowing once," he said, in Admiral Porter's presence, "and gathering their little crops and eating popcorn at their fireside, and you can't get them to shoulder muskets again for half a century."

"They will never shoulder their muskets again in anger, and if General Grant is wise, he will leave them their guns to shoot their own crows, and their horses to plow with. It will do them no harm." He advised to let them down easy.

#### PROCLAMATION FOR A NATIONAL FAST DAY, AUGUST 1861.

"Whereas, it is fit and becoming in all peoples, at all times, to acknowledge and revere the Supreme Government of God; to bow in humble submission to His chastisement; to confess and deplore their sins and transgressions, in the full conviction that the fear of the Lord is the beginning of wisdom; and to pray

with all fervency and contrition for the pardon of their past offenses, and for a blessing upon their present and prospective action:

"And whereas, when our beloved country, once, by the blessing of God, united prosperous and happy; is now afflicted with faction and civil war, it is peculiarly fit for us to recognize the hand of God in this terrible visitation, and in sorrowful remembrance of our own faults and crimes as a nation and as individuals, to humble ourselves before Him, and to pray for His mercy—to pray that we may be spared further punishment, though most fully deserved; that our arms may be blessed and made effectual for the re-establishment of law, order and peace throughout the wide extent of our country; and that the inestimable boon of civil and religious liberty earned His guidance and blessing by the labors and sufferings of our fathers, may be restored in all its original excellence."

Some gentlemen from the West called at the White House one day, excited and troubled about some commission or omission of the administration. The president heard them silently and then replied:

"Gentlemen, suppose all the property you were worth was in gold, and you had put it in the hands of Blondin, to carry across the Niagara river on a rope, would you shake the cable, or keep shouting at him, 'Blondin, stand up a little straighter—Blondin, stoop a little more—go a little faster—lean a little to the north—lean a little to the south?'"

"No, you would hold your breath as well as your tongue, and keep your hands off until he was safely over. The government is carrying an enormous weight, untold treasures are in its hands; they are doing the very best they can. Don't badger them. Keep silence and we will get you safely across." (Tarbell's *Life of Lincoln*.)

#### LINCOLN BELIEVES IN PRAYER.

Mr. W. O. Stoddard, in his "*Life of Abraham Lincoln*," says: "On the morning of the funeral of Willie, he said of the prayers offered for him by the good people all over the land, 'I am glad to hear that. I want them to pray for me. I need their prayers.'"

After the terrible and sanguinary battles of Shiloh and Corinth, Mr. Lincoln issued a proclamation for that and all other victories, asking the people to render thanks to our Heavenly Father for these inestimable blessings, and to implore spiritual

consolation on behalf of all those who have been brought into affliction by the casualties and calamities of Civil War.

Mr. Lincoln said, "I have never had a feeling, politically, that did not spring from the sentiments embodied in the Declaration of Independence."—"I have often inquired of myself, what great principle or idea it was that kept this confederacy so long together." It was not the mere matter of the separation of the colonies from the mother land, but that sentiment in the Declaration of Independence which gave liberty not alone to the people of this country, but hope to all the world, for all future time. Now, my friends, can this country be saved on that basis? If it can, I will consider myself one of the happiest men in the world, if I can help to save it. If it cannot be saved upon that principle, it will be truly awful, but if this country cannot be saved without giving up that principle, I was about to say, I would rather be assassinated on this spot, than surrender it."

#### THE QUESTION OF SLAVERY.

Those who protested against the tyranny of Great Britain and advocated freedom in the early history of the constitution, turned about and immediately undertook to keep in bondage other men in open defiance of the principles of liberty which they advocated in the Declaration of Independence.

Abraham Lincoln said that: "He who would be no slave, must consent to have no slaves. Those who deny freedom to others, deserve it not for themselves; and, under a just God cannot long retain it." (From letter to a Boston Committee 1859).

It took a long time for the punishment of the crime for keeping a certain race of men in bondage to react and overtake those who had inherited, or subsequently became possessed of slaves. But when it did come, it surely came with a vengeance, and not only affected them, but the entire nation which had tolerated slavery.

The southern slave-holders would have built up a despotic empire in the western hemisphere with slavery as its corner stone. They would have reversed the world's progress, and retarded civilization by returning to the barbarism of the Dark Ages. That, too, at a time when all civilized nations, with the exception of Brazil, had abandoned the system of slavery. It is to be remembered that Russia liberated the serfs in the year 1861.

Although Lincoln was given at the time almost autocratic power for the time-being, he did not abuse it, or use it wrongfully. This could not be said of the leaders of the Rebellion

who immediately created autocratic power over the new Southern Confederacy.

It has been stated by those opposed to giving negroes the right to vote that: "you cannot build in a democracy a nation inside a nation of two antagonistic races. The future American must be either an Anglo-Saxon or a mulatto."

The negro race was emancipated in 1862, and given the right of suffrage, and I am safe in saying that there have not been as many mulattoes born since this date as were born when they were under the power of slave masters. The law of natural selection, where men and women are free to choose, will regulate the marriage question without any law as to amalgamation. It is only force and interference that destroys this natural law.

#### SOME DEFECTS IN WEST POINT TRAINING.

Abraham Lincoln struggled alone, without any outside assistance, to fit himself for future usefulness, and to master the knowledge that would enable him to maintain the integrity of the Union and the Constitution of the United States, which Jefferson Davis and Robert E. Lee were to attempt to destroy, after they had been thoroughly educated at West Point, at the expense of the United States government.

It is evident from the well-known character and patriotic democratic and loyal principles adhered to by Abraham Lincoln throughout his useful and eventful career, that he was not trained at West Point in his early manhood, like Jefferson Davis and Robert E. Lee, Pierre Gustave Toutant Beauregard, Simon Bolivar Buckner, Geo. B. McClellan, and Joseph Hunter. It is stated that the latter once told a friend of Salmon P. Chase, that "Abraham Lincoln was a man irresolute, but of honest intentions; born a poor white in a slave state, and among aristocrats; kind in spirit and not envious, but anxious for the approval of those especially whom he has been accustomed to look up to, hence solicitous of the support of the slave holders in the border states, and unwilling to offend them; without the large mind necessary to grasp great questions, uncertain of himself, and in many things ready to lean too much on others." Secretary of State Chase wrote in his diary of Gen. Hunter, that "he was a well read and extremely intelligent gentleman." In this connection it will be interesting to read Lincoln's proclamation revoking Hunter's order freeing slaves, May 16, 1862.

In a letter to Hon. John Sherman on Sept. 20, 1862, Secretary Chase says: "Speaking of the West, I am reminded that within the last few days I heard an officer say that he heard your brother



the General, abuse you roundly at Corinth, as one of the — abolitionists who had brought on this war, saying that he was ashamed to own you for a brother. Is it possible that the pro-slavery views of West Point can have affected him in this way? I hear from all sources that nearly all of the officers in Buell's army, and Buell himself, are pro-slavery to the last degree."

Abraham Lincoln, with the knowledge he gained by personal effort, through studying the Declaration of Independence, the Constitution and the history of its formation, the *Federalist*, the *History of the Revolution* and his legal text books, was better qualified mentally and morally to loyally administer the affairs of our representative Republic in accordance with the Constitution, than either Jefferson Davis or Robert E. Lee, with their four years of military training at West Point, under the direct supervision of the United States Government, which seems to have instilled into the former, at least, a disbelief in the fundamental principles on which the Republic was founded. Each of the latter came out of West Point transformed into a full-fledged aristocrat and each maintained his aristocratic bearing to the end. It may truthfully be added that George B. McClellan and John C. Fremont were also affected in a similar manner, unlike General U. S. Grant, who maintained his democratic bearing to the end.

#### MUCH COLLEGE TRAINING UNDEMOCRATIC.

West Point is not the only institution of learning subject to criticism. Students now attending lectures in some of our great universities are taught to look upon the Declaration of Independence as a compilation of glittering generalities not to be taken seriously or literally.

Mr. Harold Bolce, who attended lectures in many universities, in the *Cosmopolitan Magazine*, says:

"Professor Sumner of Yale has little respect for the great principles of 1776; conspicuous among these historical delusions of colonial times is the doctrine that proclaims that governments get their just powers from the consent of the governed. He claims that this is untrue, that it has been trodden under foot, and it will meet the same fate as the rest of the principles which, seen through the mist of the Revolutionary War, have seemed great to us." He says that the idea that all men are created equal is being gradually dropped for its inherent absurdity. He also says that the terms "democracy," "the people," "Wall Street," "Slave," like the Declaration of Independence, are catch words to advance the welfare of a fantastic government and society.



Barrett Wendell of Harvard University tells Harvard students, "The revolution was fought to uphold a delusion and maintain the policy that all men are created equal."

Mr. Bolce says that many professors teach that the Declaration of Independence is a delusion and the hope of equality fantastic and a menace in a government of the people. But many of them see a great future for America. Professor Sumner thinks that slavery will be reintroduced when coal resources are exhausted. He claims that steam power did away with the need of slavery. He adds that we may at any time, find it expedient to drop the jingle about "a government of the people, by the people, and for the people."

When teachings like these are given in our institutions of higher education, it is plain to see that sooner or later those who are inoculated with such ideas gained in prominent universities will clash with the common people unused to such disloyalty to the Declaration of Independence, and another revolution may be the result.



## CHAPTER X.

## THE WEST POINT AND ANNAPOLIS ALUMNI.

## DEFECT IN WEST POINT STORY.

"A free people ought not only to be armed but disciplined, to which end a uniform and well digested plan is requisite."

—GEORGE WASHINGTON.

One fact was fully demonstrated during the Civil War, viz: That an efficient army cannot be immediately formed out of private citizens without previous thorough military training, and led successfully against the enemy. It does not matter how patriotic and brave they may be. At this time the country was comparatively young, but over fifty years have been added to its experience. Now every state of a united nation should co-operate with the federal government and maintain an adequate army and navy for defensive purposes.

It would be well if our congressmen and presidents when young had all been given advantages of this kind. Prominent officials in nearly all foreign nations, especially on the continent of Europe, have been given military instructions when young. If this had been the case here many of our present representatives would not display the ignorance they do on this subject.

The presidents of Switzerland are all in accordance with the provisions of the constitution, trained soldiers, like other citizens. The rulers of all European governments are trained military men.

We are not so isolated today that we can neglect our coast defenses. We are in the same position as the republic of Switzerland, surrounded by strong military nations, with great fleets and armies, but on a much broader scale. England, Germany, Russia, France and Japan, have large standing armies and modern navies, which can singly or in conjunction with one or more nations attack our unprotected sea coasts, on the East and West, or on the North, with England's consent, or on the South by Mexico's willingness or assistance.

We have no army or navy now of sufficient magnitude to protect the Panama Canal, or repel an attack, or defend our

possessions on this Continent and our outlying provinces. Switzerland has provided for an adequate army in its constitution, which in this respect should be followed by the United States.

West Point and Annapolis have in a measure, prepared in the past, a limited number of efficient military and naval officers, who have nobly done their part in meeting those emergencies which have heretofore arisen. But if we had these present training schools duplicated, we would not have had any too many officers and soldiers to meet the demands in the past and a few may have reached Congress and even the president's chair to the best interests of the country.

In the Spanish War only about one per cent of shots fired by our war ships hit the mark, due to lack of practice. Even the signal corps was so deficient that our fleet fired on one of our ships coming from European waters. All of which shows our need of trained officers.

One trained officer at the Naval Academy, commands, drills and makes perfectly drilled men of four or more hundred midshipmen. As with a chain letter we can see what these four or more hundred men could do with untrained men and so each year if we graduated two thousand officers, it would be no work for them to properly train thousands of men in a few weeks.

The President is Commander-in-Chief of the army and navy, and if not qualified on account of his lack of experience and education in military affairs, to enable him to successfully direct the policy of the army and navy in time of war, should at least appoint an experienced General as Secretary of War and an able Admiral as Secretary of the Navy.

President Lincoln, with all his natural ability and good judgment was not able to defeat the Confederate Army until he finally succeeded in finding in Gen. U. S. Grant, a competent acting Commander-in-Chief of the entire Union Army. Stanton, although not a military expert, was able eventually after several years of experience to act judiciously and properly as Secretary of War.

Our President and Governors, state Legislatures and Congressmen, may study out and enact laws, draft constitutional amendments and make treaties, but all their work will be powerless without an efficient organized military force to compel compliance with these laws and treaties.

A constitution of the United States would be like a morning mist, or a bunch of straw, and treaties like writings on the sand, "scraps of paper," were there no strong army and navy to enforce these laws and treaties if defied by a foreign or domestic foe.

The respect that other nations have for our territory, our assumed Monroe doctrine, and our treaty obligations, will be

ignored in this age, by other nations, if interfering with their plans, were we unable to maintain our ground by force.

The war of 1812, the Mexican War, the Civil War and the Spanish War were not settled by the statesmen in Congress, who did much to bring about the Civil War, but by the trained officers in the army and navy who were trained at West Point and Annapolis.

It was U. S. Grant at Vicksburg, who had his training at West Point, in 1843, along with his fellow alumni Gen. W. T. Sherman (1840), Gen. A. J. Smith (1838), Gen. James B. McPherson (1851), assisted by Rear-Admiral David B. Porter, who became midshipman of the navy in 1829, and Admiral Farragut, who together with other Union officers and soldiers captured the city and fortifications and opened up the Mississippi river to the Union Army.

It was Gen. George B. Meade, graduate of West Point in (1835), who led the Union forces at Gettysburg, with Gen. John F. Reynolds (1841), killed at the commencement of the battle, Gen. Winfield Scott Hancock (1854), Rutherford B. Hayes, (an attorney, afterwards president), Gen. Daniel E. Sickles (an attorney), Gen. John Sedgwick (1837), Gen. Henry W. Slocum (1852), Gen. George Sykes (1842), Gen. Oliver O. Howard (1854), Gen. Carl Schurz a noted German who came to America in (1852) with many other Union officers and soldiers, who encountered the well trained forces of Gen. Robt. E. Lee (1829), at Gettysburg, when the great decisive battle was fought that decided the war, the Confederate army being defeated and forced back to the Potomac river.

It was General George B. McClellan, a graduate of West Point (1846) who took part in the Mexican War and who later succeeded in organizing and training one of the finest armies in the United States, which was able eventually to conquer, under Grant, Sherman, and other Generals, the efficient army of General Robert E. Lee, and finally capture Richmond, the capitol of the Southern Confederacy, and terminating the war.

Oliver H. Perry received his commission as midshipman in 1796. His victory on Lake Erie, September 10, 1813, is well known. He secured a vast territory for the United States. Matthew Calbraith Perry became midshipman in 1809. His expedition to Japan is well known, (1853) and he opened that country to the commerce of the world.

It was Admiral David G. Farragut who entered the navy at the age of nine years in 1810, under the protection of his name father, then Captain David Porter, who was appointed to the command of the Western Gulf Black Sea Squadron, and reduced the defenses guarding the approach of New Orleans, taking pos-



session of that city April 29, 1862. He also subsequently took possession of the port of Mobile, August 5th, 1864.

It was Samuel Francis Du Pont, appointed a midshipman in the United States Navy, December 19th, 1815, who was given command of the South Atlantic Squadron, and captured Forts Walker and Beauregard in 1862.

John Adolph Dahlgren entered the navy and passed midshipman in 1832 and was made Rear-Admiral in 1863, and was placed in charge of the South Atlantic blockading squadron. He conducted naval operations at Charleston Harbor and aided General W. T. Sherman in his South Carolina and Georgia expeditions.

Admiral George Dewey who graduated at Annapolis in 1858, achieved distinction and accomplished much for the United States during the Civil War and the Spanish War. He was a Lieutenant on the "Mississippi" and was with the West Gulf Squadron in 1862. In 1863 he was at Donaldsonville on a gunboat and at Fort Fisher in 1864 and 1865 on the "Agawam." He served two years on the Kearsarge and the Colorado and two years at the Naval Academy. In 1884 he took charge of the Dolphin in 1884 the Pensacola, in 1896 he was made commodore and in 1898 took charge of the Atlantic Squadron. In 1898 he destroyed the Spanish Squadron in Manila Bay. He was promoted to Rear-Admiral and in 1899 made Admiral of the United States Navy.

The United States Academy at West Point was established in 1802.

Many of the actors in the Mexican War, the War of 1812, and the great tragedy of the Civil War, learned their parts at West Point, in the navy, in the state legislatures and the United States congress.

It was Robert E. Lee, a graduate of West Point in 1829, who with other fellow alumni, including U. S. Grant and Geo. B. McClellan, S. B. Buckner, (1840) Confederate, Joseph Hooker, graduating Thomas J. Jackson, known as Stonewall Jackson (1846), Confederate, took part in the Mexican War, Jefferson Davis, Joseph E. Johnston (1829), Confederate, took part in the Mexican War. Palmerton, Sherman, Braxton Bragg (1837), Confederate, who took part in the Mexican War of 1845 and 1848, and through this War succeeded in adding to the territorial possessions of the United States, Texas, in 1845, California and New Mexico in 1848.

Two of the principal generals however, who took part in this war did not study at West Point, namely Gen. Winfield Scott, who was a student at William and Mary College in 1805; and General Zachary Taylor who did not receive a college education.

Nearly all the generals and other prominent officers in the rebel army were graduates of West Point.

Gen. P. G. T. Beauregard (1836, Confederate), was Superintendent of the U. S. Military Academy of West Point when he resigned and joined the Confederate Army. General Lee was also at one time at the head of West Point.

Admiral W. S. Schley (1860, midshipman), and Admiral W. T. Sampson (Annapolis, 1860), took part in the Spanish War. Among others, who might be added to this list of accomplished military leaders are the following: General Nathaniel Lyon (1841), Albert Sidney Johnston (1836), Nelson A. Miles, who entered the army in 1861, George A. Custer (1861), Benjamin F. Butler (attorney), George C. Pickett (1846), James Longstreet (1842), James Hooker (1857), George H. Thomas (1840), A. G. Burnside (1841), H. W. Halleck (1832), John Pope (1842), W. S. Rosecrans (1842), Philip H. Sheridan (1858), J. B. Hood (1853). General John C. Fremont was not a graduate of West Point but was a short time in navy, commander in Missouri, 1861, etc.

Lord High Chancellor Haldane says the "Training System in the United States is far superior to that given in Great Britain;" in an article printed in Sunday's Examiner of August 30th 1913. "To come over here and see the liberal manner in which Congress provides for the education of the Nation's military officers is enough to make the mouth of an English War Minister water." Such was his comment after he had today inspected the United States Military Academy buildings and grounds and witnessed the maneuvers of the cadet corps. He was welcomed by a salute of nineteen guns. "This visit to West Point," said Lord Haldane, brings me back to my old occupation. During the six and one-half years that I served as Secretary of State for War I made a study of the West Point Military Academy. I have no hesitation in telling you that the system here of training officers of all branches of the service together is far superior to our plan of specialization when the cadets enter the academies of Sandhurst and Woolwich."

#### WEST POINT FOR EACH STATE IS NOW PROJECTED.

Washington, Jan. 14, 1916.—The establishment of a semi-military school in each state at which a certain number of young men will be given academic and military education at the expense of the state and federal government is the subject of a series of meetings of the House Military Affairs Committee, which began today.

The plan is outlined in a bill introduced by Representative McKellar of Tennessee. It is favored by Chairman Hay of the committee and it is understood the War Department will urge its passage.

The purpose of the bill is to provide plenty of trained army officers. The three-year course at the schools is to be modeled on the course at West Point. The students will be chosen by the county and state school authorities, the only condition being that they agree to hold themselves subject to the call of the President to active military service for a period of seven years after graduation.

The government will contribute \$80,000 a year to each school providing the state contributes \$40,000. In addition the federal government will provide uniforms, field equipment and military instructions.

WEST POINT BILL PASSED.—LAST BUT ONE OF APPROPRIATION  
MEASURES GIVEN O. K. BY HOUSE AFTER BRIEF  
POLITICAL DEBATE.

Washington, D. C., June 29, 1916.—The last but one of the annual supply measures, the military academy appropriation bill, carrying \$1,216,761, was passed today by the house. It was made the vehicle of a brief political debate. Only the general deficiency bill remains to be considered in the house.

MARVELOUS CRAFT IS BEING DEVELOPED, SAYS HEAD OF NAVY CON-  
SULTING BOARD.

New York, July 22.—“I have reason to believe that within the next six months a giant Zeppelin will fly across the sea from Berlin and land in New York City,” Howard E. Coffin, chairman of the naval consulting board’s committee on industrial preparedness and former president of the American Engineering society, said today.

“Unquestionably it was the arrival of the submarine at Baltimore that scared congress into appropriating millions for army and navy development,” he declared. “The quicker the Zeppelin arrives the better, for it will scare us into more preparedness.”

## PREDICTS GREAT AERIAL ARMY.

"The \$20,000,000 congress has given for aerial development is a tremendous step forward. With this encouragement we engineers are starting to standardize and develop aerial development in the United States. Our manufacturers are ready to pour millions into the industry.

"Within three years the United States will have an aerial army Europe cannot begin to equal. Within two years great passenger carrying airships will follow air routes all over the country. American industries can be coördinated and standardized. Europe's cannot. Europe's aerial development has been neither healthy nor normal. It has been too feverish. The fact that they are fighting among themselves prevents standardization.

## HINTS AT MARVELOUS CRAFT.

"I could take you to a field within a few minutes' ride and show you a fighting aeroplane that outstrips anything the Europeans have dreamed of. It has a secret automatic control, by which it can be started in the waters of Lake Michigan, skim the surface for a given number of miles, automatically rise to a given height, go a prearranged and exact distance in one or several directions, and automatically alight at a given point in Texas or elsewhere. This type of aeroplane will be developed into the self-directing aerial torpedo.

"We will have dirigibles of the Zeppelin type Germany never will have. A fleet of automatically controlled aeroplanes with machine guns mounted on them and timed to begin their charge after going hundreds of miles to find the enemy without the presence of a single pilot is an imminent probability.

"The aerial development may mean the difference between victory and defeat for us. We are getting started."





## CHAPTER XI

## PROCLAMATION OF EMANCIPATION.

PROCLAMATION OF EMANCIPATION WHEN OTHER COUNTRIES ABOLISHED SLAVERY. MEXICAN WAR TO EXTEND SLAVERY IN SOUTH.

The preliminary Proclamation of Emancipation was published September 22, 1862, three days after the withdrawal of General Lee into Virginia, and was communicated to the army officially on September 24th. The proclamation took effect Jan. 1, 1863. Although the President had practically decided upon the main features of the Proclamation, he nevertheless called several meetings of his cabinet, and submitted first the preliminary proclamation, September 22, 1862, and then the final draft of the Proclamation, December 30, 1862. He asked each member to write out his opinion and submit the same to him. This was done by Mr. Chase, Mr. Bates, Mr. Wells, Mr. Blair, and Mr. Seward. Messrs. Nicolay and Hay state, "In writing the Proclamation Mr. Lincoln, in substance, followed the suggestions made by the several members of the cabinet as to mere verbal improvements, but in regard to the two important changes which had been proposed he adhered rigidly to his own draft."

British subjects were prohibited from owning slaves in America or elsewhere. Russia and the United States were the last of the civilized nations, with the exception of Brazil, which subsequently followed suit, to abolish serfdom and slavery.

In Lincoln's speech delivered May 19, 1856, he said: "On the second day of July 1776, a draft of the Declaration of Independence was reported to Congress by the committee, and in it the slave trade was characterized as an 'execrable commerce,' as a 'piratical warfare,' as a 'cruel war against human nature.' All agreed on this except South Carolina and Georgia, and in order to preserve harmony, and from the necessity of the case, these expressions were omitted."

The people of the slave states had the same privilege as those of the free states to move into and settle in Kansas. The former could have done their own work, like the latter who did not depend upon slave labor, or could have hired other men to work for them. At that date slavery had been eliminated from nearly

all of the civilized nations and was considered a relic of barbarism. There was no customary, moral, constitutional, or natural right for any set of men to insist on introducing slavery into a new state or territory because slave owners wished to move into it, any more than that they should claim a right to take their slaves into British possessions or into Mexico, if they wished to live there.

Lincoln was not descended from a race of tyrants, nor were his parents slave owners. His mother had not been raised in an environment of luxury and taught to look down upon a less fortunate neighbor; nor was his father's name linked with disloyal plots, or schemes to pervert justice and the good of his countrymen, as were many of the fathers of the leaders of the rebellion. He was an industrious man and did not rely upon slave labor to support him and his family.

The War of the rebellion was in one sense, and for the same purpose, a continuation of the war with Mexico, namely: the acquisition of territory for the slaveholding states. Many of the leading men of the South advocated and engaged in the latter war, including Jefferson Davis and Robert E. Lee, General Zachary Taylor, and other southerners who subsequently fought in the rebel ranks. Not satisfied with gaining area in Texas for slavery, the slave states were determined to extend their cherished institution into the territories west of the Mississippi River. The opponents of slavery extension had insisted in Congress upon attaching the Wilmot proviso, to a bill to appropriate three million dollars in order to settle the treaty with Mexico. This proviso in the language quoted from the ordinance of 1787 prohibited slavery. It was voted down, however, by a vote of 102 to 97.

William H. Seward said in regard to the Mexican War: "I sincerely hope that the experience of the President may instruct his successors for many years to come that war for slavery is behind the spirit of the age." It was well understood in Washington that this was the object of the Mexican War, which war Abraham Lincoln, when in the House of Representatives, continually opposed.

Although Seward did not make Abraham Lincoln President, he used all his talent and strength in maintaining him in his endeavor to overcome the power of the South in its endeavor, not only to make permanent in the Southern States the institution of slavery, but to destroy the government itself.

## JEFFERSON DAVIS, AMBITION.

The great ambition of Jefferson Davis who became president of the Southern Confederacy, was to form an oligarchical government in which the people were not to be directly represented, but with its powers vested in the slave aristocracy of the South. This empire would include the immense state of Texas and large tracts of territory gained through the Mexican War, existing southern states, containing land purchased by the United States from Napoleon, and as much more territory as could be forced from the United States.

All traces of democracy would have been eliminated from the constitution of the Southern Confederacy and the only really free and independent citizens qualified to participate in the government would have been the privileged slave-holding class and their followers.

France would have maintained its hold on Mexico and established a little monarchy, perhaps divided up into several other kingdoms. The Monroe Doctrine completely superseded, the power and supremacy of the United States would have been seriously curtailed, and the cause of liberty weakened throughout the world.

During the Pierce and Buchanan administrations, the Southern leaders had full sway in the affairs of government at Washington, and they were continually plotting for one object, which was for the aggrandizement and extension of the slave power of the South. Such were John B. Floyd, Secretary of War; Howell Cobb, Secretary of the Treasury; Jacob Thompson, Secretary of the Interior; and Jefferson Davis, representing Mississippi in the United States Senate.

## THE NORTHERN LEADERS STOOD FOR LIBERTY AND UNION.

While these men and their co-conspirators were busy plotting the over-throw of the Republic, Wm. H. Seward, Salmon P. Chase, Edwin W. Stanton, Lyman Trumbull in Washington and Abraham Lincoln in Illinois were carefully watching them, and preparing to meet and resist their schemes.

Salmon P. Chase and Wm. H. Seward, as well as Abraham Lincoln, were not afraid to show their strong opposition to the barbaric system of slavery, which had been out-grown and eliminated from nearly all other civilized nations.

Seward and Chase both defended Van Zant, a poor farmer, who had loaned his wagon and team to some wretched negroes who were trying to escape from slavery and the boasted republic

to Canada where every man was protected in his liberty. All the negroes escaped but one, and his master sued Van Zant for \$1200, the value of the slave, and got a judgment. The suit was confirmed in the Supreme Court of the United States, in spite of the able arguments of Chase and Seward. This judgment Van Zant was unable to pay and it practically ruined him. Mrs. Harriet B. Stowe portrayed John Van Zant under the name of John Van Trompe in her story of "Uncle Tom's Cabin."

Stanton, Holt, and Dix in Buchanan's cabinet were loyal to the Union. Seward stood by the government and acted continually in harmony with Lincoln even before he reached Washington. He made his famous speech in favor of the Union, January 12, 1861.

He said, "Union is no more the body than liberty is the soul of the nation. The American citizen has been accustomed to believe the republic immortal. He shrinks from the sight of convulsions, indicative of sudden death." He said also, "I therefore follow the example of the noble senator from Tennessee, Mr. Andrew Johnson, and avow my adherence to the Union in its integrity, and with all its parts, with my friends, with my party, with my state, with my country, or without either, as they may determine: in every event, whether of peace, or war, with every consequence of honor, or dishonor, of life, or death."

Grover Cleveland, in his "Life of Alexander H. Stephens," pp. 721-723, states that when Stephens was chosen vice-president, he explained the grounds of secession; after referring to Thomas H. Jefferson who said that: "The prevailing ideas entertained by him and most of the leading statesmen of the time of the formation of the old constitution were, that the enslavement of the African was in violation of the laws of nature; that it was wrong in principle, socially, morally, and politically"—"our government" said Stephens (The Southern Confederacy) "is founded upon exactly the opposite idea; its foundations are laid, its corner stone rests upon the great truth that the negro is not equal to the white man; that slavery—subordination to the superior race, is his natural and normal condition. This, our new government, is the first (and he might have added, the last) in the history of the world based upon this great physical, philosophical and moral truth."

#### OTHER NATIONS ABOLISH SLAVERY.

On the 20th day of August, 1833, England abolished slavery throughout the British colonies. (3rd and 4th William IV.) and \$20,000,000 was granted by Parliament as an indemnity, to

the slave proprietors and other pecuniary sufferers by this act. 790,280 slaves being freed. This was accomplished without bloodshed or rebellion on the part of slave owners. If the United States had remained a British colony, this act would also have freed the slaves within their borders.

The Emperor of Austria issued a decree utterly abolishing slavery throughout his dominion. "Every man," said his Majesty, "by the right of nature sanctioned by reason, must be considered a free person. Every slave becomes free the moment he treads the Austrian soil, or even an Austrian ship." This should be written in the United States Constitution. On the 18th of September, 1829 Guerrero, as president of Mexico, issued a decree abolishing slavery forever in the Republic of Mexico. The United States, however, which claimed to be a democratic government and boasted of its liberty to the world, inviting the citizens of foreign nations to her soil in order to obtain the blessings of liberty, did not abolish slavery and the commerce in human bodies, until after a great civil war, culminating in 1865. The Proclamation of Emancipation, however, was issued previous to this, January 1, 1863.

On October 9, 1807, the King of Prussia decreed, from Martinique, 1810, ceases all serfdom in our states. There shall be only free persons."

The King of Prussia permitted the peasants and burghers to buy land of the nobles which they could not have done before.

The government of Brazil abolished the slave trade March 1, 1830.

November, 1803, Santo Domingo changed its name to Hayti, and declared its independence and abolished slavery.

One of the first acts of the first Constitutional assembly of Guatemala was the abolition of slavery. All of the following countries agreed to the abolition of slave trade: Denmark, Aug. 1804; Portugal, Jan. 31, 1823; France, Apr. 1815; Spain, Oct. 31, 1820; The Netherlands, Aug. 14, 1814; Sweden, March 5, 1813. Although the United States maintained slavery as one of the legal institutions of the country, it did agree, by the treaty of Ghent, Dec. 24, 1814, to the suppression of the slave trade.

In 1861, Alexander II., emancipated nearly forty-seven million souls, amounting to four-fifths of the population of the Russian Empire. He assigned land to them which he arbitrarily took from the nobles to pay for annually or lease. The Czar paid the noble landlords for these lands and then sold them to the serfs on forty years' time.

It was two years after this act of emancipation on the part of the Czar, that the President of the United States, Abraham Lincoln, issued the emancipation proclamation which liberated



the slaves in the Republic of the United States. This was issued September 22, 1862.

Jefferson Davis, who asserted that he was simply exercising his rights to maintain the independence of the South under the Constitution and the right to maintain slavery, retaliated against this action of the President by ordering that all those who practically put into effect the decree of the proclamation of emancipation should be regarded as criminals and treated as such.

When we compare Jefferson Davis with the Czar of Russia, it is plain to see which of the two men was the most despotic ruler at this critical period in the world's history.

#### HOW CZAR ALEXANDER LIBERATED THE SERFS.

In the History of Russia written by Alfred Rambaud, we find the following reference to the Czar's ukase liberating the serfs.

Czar Alexander II., in eighteen hundred and fifty-nine, called a chief committee, composed of twelve persons, over which he presided during its first sessions. He afterwards resigned the presidency to Prince Alexis Orlof. This committee, in conjunction with some of the provincial committees, more than once opposed passive resistance to the beneficent schemes of the sovereign. The Emperor went through the provinces, appealing to the conciliatory spirit and devotion of his nobility, reprimanding those who hung back, and reminding them that "reforms came better from above than below." To subdue the resistance of the superior committee, he created another to which the old one was subordinated, and which he packed with men devoted to the new idea.

The new "imperial commission" did not content itself with elaborating the materials furnished by the provincial committees. Directly inspired by the Emperor, who sent them his papers on "the progress and issue of the peasant question," they took into their own hands all the points of legislation, by which course they ran the risk of throwing into opposition many proprietors who were well disposed, but who complained that they had never been consulted, and that the commission seemed desirous of depriving them of the merit of their sacrifices. The commission gradually gave to the reform a more and more radical character. It admitted the principle that the emancipation should not take place gradually, but that the law should insure the immediate abolition of serfdom; that the most effectual measures should be taken to prevent the re-establishment of the seigniorial authority under other forms, by a liberal organization of the rural communes; and that the peasant should become a proprietor on the

payment of an indemnity. From these deliberations resulted the new law, announced by the manifesto of the nineteenth of February, or 3rd of March, 1861, according to the New Style.

The fundamental principles of the new legislation may be summed up thus: The peasants hitherto attached to the soil were to be invested with all the rights of free cultivators. The peasants, in consideration of certain quit-rents fixed by law, should obtain the full enjoyment of their enclosure or *dvor*, and also a certain quantity of arable land, sufficient to make certain the accomplishment of their obligations towards the state. It was provided that this "permanent enjoyment," or usufruct, might be exchanged for an "absolute ownership" of the enclosure and the lands, on the payment of purchase-money. The lords were to grant the peasants or the rural communes the land actually occupied by the latter; in each district, however, a maximum and a minimum were to be fixed. On the whole, there was an average of three *desiatins* and a half, or more than nine English acres, for each male peasant; but it varied from one *desiatin* to twelve; that is to say, the peasants in general received less in the Black Land, and more in the less productive zones. The government was to organize a system of loans, which would permit the peasants immediately to liberate themselves from their lords, though they would remain debtors to the state. The *dvorovuie*, who were neither attached to the soil, nor members of the commune, were to receive only their personal liberty, after they had served their masters for two years. To bring the great work of partition into seigniorial and peasant lands to a happy conclusion, to regulate the amount of the dues, the conditions of re-purchase, and all the questions which might arise from the execution of the law, the temporary magistracy of the *mirovuie posredniki*, or mediators of peace, was instituted, who showed themselves for the most part honest, patient, impartial, equitable, and who deserved a great part of the honor of this pacific settlement.

The peasants, freed from the authority of their former masters, were organized into communes; or, rather, the commune, the *mir*, which is the primordial and antique element of Slavo-Russian society acquired a new force. It inherited the right of police and of surveillance, held by the lord over his subjects; it administered and judged with more liberty the suits of the peasants. In accordance with the ancient Slav law, the land bought from the lord remained the common property of all the members of the *mir*: each peasant held as his private property only his enclosure and the land thereto pertaining. Arable lands are subject, at more or less frequent intervals, to partition among the heads of families, and are possessed by them only by way of usufruct. The law, which does not permit a final partition of the common

land, except when two thirds of those interested consent, will long maintain against the destructive action of new manners and new wants this old European institution, which in Western countries has disappeared for centuries, in France especially, and has left no trace, other than in so-called communal properties. The communes, freed from the control of the lords, were grouped, as in the case of the imperial domains, into volosti, or districts having from three hundred to two thousand male members; a volost tribunal received the appeal from the communal justices, and a volost municipality was charged to watch over the common interests of all the villages under its jurisdiction. The mayor of the commune was called starosta; the head of the volost was called starshina, and was made responsible for the peace and order of the community. The Russian peasants were thus given a complete system of local self-government, of an absolutely rural character, for the former lord was strenuously kept apart from it. Since his ancient domain had been divided into seigniorial and peasant lands he ceased legally to be an inhabitant of the village. His interests being perfectly distinct from those of the peasants, he was forbidden to meddle either with them, their elections, their administration, or their justice.

The great emancipation measure was, in fact, a dissolution of partnership between masters and peasants. It imposed sacrifices on both the interested parties.

#### EMANCIPATION PROCLAMATION.

Whereas, on the twenty-second day of September, in the year of our Lord one thousand eight hundred and sixty-two, a proclamation was issued by the President of the United States containing, among other things, the following, to wit:

That on the first day of January, in the year of our Lord one thousand eight hundred and sixty-three, all persons held as slaves within any state, or designated part of a state, the people whereof shall then be in rebellion against the United States, shall be then, thenceforward, and forever free; and the Executive Government of the United States, including the military and naval authority thereof, will recognize and maintain the freedom of such persons, and will do no act or acts to repress such persons, or any of them, in any efforts they may make for their actual freedom.

That the Executive will, on the first day of January aforesaid, by proclamation, designate the states and parts of states, if any, in which the people thereof respectively shall then be in rebellion against the United States; and the fact that any state, or the peo-

ple thereof, shall on that day be in good faith represented in the Congress of the United States by members chosen thereto at elections wherein a majority of the qualified voters of such state shall have participated, shall, in the absence of strong countervailing testimony, be deemed conclusive evidence that such state and the people thereof are not then in rebellion against the United States.

Now therefore, I, Abraham Lincoln, President of the United States, by virtue of the power in me vested as commander-in-chief of the army and navy of the United States, in time of actual armed rebellion against the authority and government of the United States, and as a fit and necessary war measure for suppressing said rebellion, do, on this first day of January, in the year of our Lord one thousand eight hundred and sixty-three, and in accordance with my purpose so to do, publicly proclaimed for the full period of one hundred days from the day first above mentioned, order and designate as the states and parts of states wherein the people thereof, respectively, are this day in rebellion against the United States, the following, to wit:

Arkansas, Texas, Louisiana, (except the parishes of St. Bernard, Plaquemines, Jefferson, St. John, St. Charles, St. James, Ascension, Assumption, Terrebonne, Lafourche, St. Mary, St. Martin and Orleans, including the city of New Orleans), Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, and Virginia (except the forty-eight counties designated as West Virginia, and also the counties of Berkeley, Accomac, Northampton, Elizabeth City, York, Princess Ann, and Norfolk, including the cities of Norfolk and Portsmouth), and which excepted parts are for the present left precisely as if this proclamation were not issued.

And by virtue of the power and for the purpose aforesaid, I do order and declare that all persons held as slaves within said designated states and parts of states are, and henceforward shall be, free; and that the Executive Government of the United States, including the military and naval authorities thereof, will recognize and maintain the freedom of said persons.

And I hereby enjoin upon the people so declared to be free, to abstain from all violence, unless in necessary self-defense; and I recommend to them that in all cases, when allowed, they labor faithfully for reasonable wages.

And I further declare and make known that such persons of suitable condition will be received into the army service of the United States to garrison forts, positions, stations, and other places, and to man vessels of all sorts in said service.

And upon this act, sincerely believed to be an act of justice, warranted by the Constitution, upon military necessity, I invoke



the considerate judgment of mankind and the gracious favor of Almighty God.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the City of Washington, this first day of January, in the year of our Lord one thousand eight hundred and sixty-three, and of the independence of the United States of America the eighty-seventh.

ABRAHAM LINCOLN.

By the President;

WILLIAM H. SEWARD,  
Secretary of State.

Mr. F. F. Browne, whom I knew intimately for many years in Chicago, says in his carefully compiled book "Everyday Life of Lincoln":

To a large concourse of people who, two days after the proclamation was issued, assembled before the White House, with music, the President said: "What I did, I did after a very full deliberation, and under a heavy and solemn sense of responsibility. I can only trust in God I have made no mistake." That he realized to the full the gravity of the step before taking it is shown again in an incident related by Hon. John Covode, who calling on the President a few days before the issue of the final proclamation, found him walking his room in considerable agitation. Reference being made to the forthcoming proclamation, Lincoln said with great earnestness: "I have studied that matter well; my mind is made up—it *must be done*. I am driven to it. There is no other way out of our troubles. But although my duty is plain, it is in some respects painful, and I trust the people will understand that I act not in anger but in expectation of a greater good."

Had Mr. Lincoln lived, the re-construction of the southern states would have been accomplished on a more equitable basis and much of the injustice and hardships needlessly inflicted on the exhausted people avoided. Among other things some provision would have been made for the freedmen besides giving them freedom. The lands on which they had worked for others should in part have been distributed among them to cultivate on their own account as was done in Russia. They should have been given long time to pay for these lands and the government should have assisted them in getting started on the road to independence, if they were willing to support themselves on their own farms.



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NEGRO FELLOWSHIP LEAGUE CELEBRATE WITH SONG.

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Chicago's celebration of the anniversary of the emancipation proclamation at Orchestra Hall was made notable by the singing of a chorus of 100 voices organized by Mrs. Ida B. Wells-Barnett, president of the Negro Fellowship league, and instructed by James A. Mundy. The chorus sang compositions by Wagner and Handel as well as an anthem, "Ethiopia Shall Soon Stretch Out Her Hands Unto God," composed by Mr. Mundy.

The preliminary announcement made by the celebration committee bears a quotation from Justice Harlan, "The constitution is color blind." The emancipation proclamation was read by Dr. Charles E. Bently.

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CONSPIRACY TO BURN CHICAGO.

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Benjamin Jeffrey Sweet who distinguished himself while Commandant at Camp Douglas, Chicago, during the years 1864 and 1865, was a young lawyer who was commissioned as Major of the 6th Wisconsin Infantry Volunteers at the outbreak of the War of the Rebellion.

Born in Clinton county, New York in 1832, young Sweet came with his family to Wisconsin at an early age, his father being a pioneer missionary to the Indians and settlers of Calumet county. Already a successful young attorney and state senator at Madison in 1861, Mr. Sweet received his commission and entered the army as a major of the 6th Wisconsin Infantry Volunteers. Later he returned to Wisconsin and raised two regiments, going to the front as Colonel of the 21st Infantry.

At the famous battle of Perryville, Ky., Colonel Sweet received two dangerous wounds and in consequence went into the Veteran Reserve Corps and in due time was placed in command of Camp Douglas, near Chicago, being then Colonel of the 8th Regiment U. S. Reserve Corps.

At Camp Douglas there was a great prison camp where thousands of Confederate prisoners were confined. In the fall of 1864 there was a conspiracy formed by direct influences in Richmond, the Confederate Capital, to release the prisoners at Camp Douglas, arm them, sack and burn Chicago, and carry the war into the Northwest. Colonel Sweet through his constant vigilance and care, ferreted out this conspiracy and at the last moment, just as the blow was about to be struck, arrested the leaders, seized the arms stored in Chicago and put an end to the enterprise. Two confederate Colonels and a number of Northern

sympathizers, some of them being Chicagoans of note, were among those arrested. The services of Colonel Sweet were highly appreciated by the United States Government, and he received his commission as Brigadier General, soon after the crushing blow he dealt to the conspirators. It is certain that had the attempt to carry the war into the Northwest been successful, the struggle between the states would have been greatly prolonged.

(Note: It was during the troubles in Chicago, incident to the conditions brought about by the Southern sympathizers, that Wilbur F. Story of the Chicago Times nearly lost his life. They were turbulent days in Chicago at this time and the city was patrolled by soldiers from the Camp; disorderly mobs were frequent and the mob which attacked the Times Building was only one of those which were successfully handled by General Sweet. I, myself, driving down town with my father, once saw him stopped by a mob in front of a bank in which funds were deposited for the substitutes. We were driven a little aside where I held the reins and saw my father go up on the balcony, on the 2nd floor of the bank and by his personal efforts, quell and disperse a very dangerous looking mob of excited men.)

(Miss) A. C. SWEET.

General Sweet resigned at the end of the war and entered the practice of law at Chicago. He was later appointed U. S. Pension Agent at Chicago and Supervisor of Internal Revenue and then first Deputy Commissioner of Internal Revenue at Wash., D. C. He died just before his 42nd birthday, January 1st, 1874, at Washington.

## CHAPTER XII.

THESIS ON GOVERNMENT USED AS CAMPAIGN DOCUMENT IN 1864.  
—REPUBLICAN CONVENTION 1864.—CAMPAIGN 1864.—FREE-  
MONT HEADS THE MALCONTENTS—LINCOLN'S HUMOR.

When I returned from Heidelberg I went to the University of Michigan, where I graduated from the law department in 1864.

All graduates are required to write a thesis; and having spent some time previously at the University of Heidelberg, where I became interested in the various forms of government in Europe, I selected for mine 'A Comparison between the Forms of Government of the Republic or Representative Democracy of the United States and those of Other Nations.'

I have always considered our form of government preferable to any other. It is the abuse of this great inheritance by those upon whose responsibility and votes the government is maintained that excites criticism.

The civil war was progressing toward its close in 1864 when I was at the University, and naturally the critical condition of the nation was on my mind. On my return to Springfield, my home at that time, I called upon the war governor, Richard Yates, and submitted my thesis to him. He read it over and sent me a letter expressing his strong approval, which I published with my thesis as a campaign document, when Abraham Lincoln ran the second time for the Presidency. It was circulated by the Union League.

I gave copies to President Lincoln when I called on him in 1865.

THE REPUBLICAN NATIONAL CONVENTION OF 1864.

Mr. Clark E. Carr, in his book entitled, "My Day and Generation," states, that: "the Republican National Convention was called by the National Committee to meet at Baltimore on June 7, 1864. The writer of this was one of the delegates from Illinois in that Convention. There was in Illinois scarcely the slightest opposition to the nomination of Mr. Lincoln. Every republican there was enthusiastically for him, and we were by ringing resolutions unanimously instructed to support him.

"New Hampshire and Pennsylvania led off in declaring for Mr. Lincoln, on the same day so early as January 5th before the Baltimore Convention.

"Joseph Medill of the Chicago Tribune was one of the ablest most earnest, and most persistent supporter of Mr. Lincoln.

"Bitter and malignant as was the opposition to the re-nomination of Mr. Lincoln elsewhere, its storm center continued to be in Missouri, culminating, as has been said, in two state republican conventions—the Conservatives favoring him, and the Radicals denouncing him. John G. Nicolay, who was the private secretary of the President, appeared in the Convention at the most critical time and on his own authority, he said, 'Advise the Illinois delegation to support the Radicals instead of the Conservatives.' We had once voted in favor of seating the Radicals. Other delegates followed and they were seated.

"The result was that when the time came for the nomination in the great Convention, although a motion was made and strenuously urged to that effect, it was impossible to re-nominate Mr. Lincoln by acclamation, and the roll had to be called. Mr. Lincoln received every vote but that of Missouri. Mr. Lincoln received 484 votes. Missouri gave her 22 votes for General Grant, but before the vote was announced, Missouri changed her vote and, although not by acclamation, Mr. Lincoln was unanimously nominated."

Mr. Carr says: "We saw that when we admitted this Radical delegation upon equality with all other delegates and gave them a right to be heard, gave them their day in court, they were, like us, committed to the action of the Convention and its candidate, and as loyal Republicans, estopped from casting their fortunes with the third party already in the field."

"Mr. Lincoln was great enough and wise enough to see all this. After giving a complimentary vote for Grant, the Radicals changed their vote for Lincoln. Mr. Lincoln at the election carried against General McClellan every electoral vote, except those of New Jersey, Delaware, and Kentucky, and his popular vote was nearly half a million greater than had ever before been received by a presidential candidate."

This shows that the great majority of the people, or voters, heartily endorsed the policy of Abraham Lincoln.

"MORE LIGHT AND LESS NOISE," AND OTHER LINCOLN ANECDOTES."

An editorial in the New York Tribune, opposing Lincoln's re-nomination, is said to have called out from him the following story:

"A traveler on the frontier found himself out of his reckoning one night in a most inhospitable region. A terrific thunderstorm came up to add to his trouble. He floundered along until his horse at length gave out. The lightning afforded him the only clue to his way, but the peals of thunder were frightful. One bolt, which seemed to crash the earth beneath him, brought him to his knees. By no means a praying man, his petition was short and to the point: 'O Lord, if it is all the same to you, give us a little more light and a little less noise!'"

When the time came along in the spring of 1864 for nominations to be made for the Presidential office General J. C. Fremont was prominently mentioned by a few of the malcontents, and vociferousness gave color to claims of a support that subsequent events proved he did not have. John T. Morse, Jr., in his *Life of Abraham Lincoln*, tells the following story:

"At Cleveland on the appointed day the mass convention assembled, only the mass was wanting. It nominated Fremont for the Presidency and Gen. John Cochrane for the Vice-presidency; and thus again the Constitution was ignored by these malcontents, for both these gentlemen were citizens of New York, and therefore the important delegation from that State could lawfully vote for only one of them. Really the best result which the convention achieved was that it called forth a bit of wit from the President. Some one remarked to him that, instead of the expected thousands, only about four hundred persons had assembled. He turned to the Bible which, say Nicolay and Hay, commonly lay on his desk, and read the verse: 'And every one that was in distress, and every one that was in debt, and every one that was discontented, gathered themselves unto him; and he became a captain over them; and there were with him about four hundred men.'"

"There is but one contingency that can cause your defeat for a second term," one of Lincoln's friends said to him in 1863, "and that is Grant's capture of Richmond and his nomination as an opposing candidate."

"Well," replied Mr. Lincoln, shrewdly, "I feel very much about that as the man felt who said he didn't want to die particularly, but if he had got to die, that was precisely the disease he would like to die of."

AUTHORITATIVE LETTER FROM THE PRESIDENT TO HORACE GREELEY.

July 18, 1864, President Lincoln published the following letter as he was informed by Horace Greeley that there were commissioners, Clement C. Clay being one of them, from the South,



waiting near Niagara Falls in Canada to open up negotiations of peace, if permitted to do so. Mr. John Hay had been sent to meet them and found they had no authority from the Confederate government to negotiate with United States authorities:

Executive Mansion, Washington,  
July 18, 1864.

To Whom It May Concern:

"Any proposition which embraces the restoration of peace, the integrity of the whole Union, and the abandonment of slavery, and which comes by and with an authority that can control the armies now at war against the United States, will be received and considered by the executive government of the United States and will be met on liberal terms on substantial and collateral points, and the bearer or bearers thereof shall have safe conduct both ways."

A. LINCOLN.

This authorized proposal of peace sent to Horace Greeley who was simply a tool, was part of a plot laid to affect the re-election of Lincoln for a second term. But it failed of its purpose on account of the bold stand taken by the president showing his willingness to have peace on honorable terms.

The president was very much annoyed, Senator Shelby M. Cullom said in his book entitled "Fifty Years of Public Service."

"He remarked to me, that while Mr. Horace Greeley means all right, he makes me almost as much trouble as the whole Southern Confederacy."

## CHAPTER XIII.

THE PRESIDENTIAL CAMPAIGN 1864—A SIGNIFICANT CAMPAIGN DOCUMENT—NO "GERMAN-AMERICANS" IN THOSE DAYS—A SPEECH AND A POEM.

The following campaign document was printed in English and German by me and circulated during the Lincoln campaign of 1864. I gave copies to Mr. Lincoln when I called on him at Washington Feb., 1865.

Fellow-countrymen and friends—

Let us one and all rally around the old flag of our country, and take in our charge the sacred constitution, and the laws, and place them, with our majority of voices in the hands of those men best qualified to protect and preserve them. Let every citizen above the age of twenty-one cherish the vote granted to him by the constitution, and cast it for those alone who are worthy, honorable, and loyal candidates for state and federal offices. Consider the responsibility each and every one of you are under in maintaining and protecting this government under which we live. The vote of the poor man counts as much as that of the rich man, therefore let every vote be carefully weighed, and not placed in the scale of wrong.

Our country, as you all know, is in a threatened condition and should we fail now in preserving the union of the states, and the laws which govern them, we will be plunged into an abyss of ruin, and the fall of our glorious temple of liberty will echo in mournful sounds throughout the whole world, and be lamented by many generations that will follow after us.

The peace and security of the United States has been threatened by a great army of rebellious citizens, who rend our constitution, and scorn the sacred emblem of our liberty. Shall this rebellious crew be put down and annihilated? Or shall it be permitted to rule? If annihilated who shall be instrumental in doing it, the candidates proposed by the Copperhead party, or those brought forward by the Union party? Do the Copperhead candidates seem to you to be fit men, with right principles to put down this rebellion? Or do the Union candidates appear as such? The great hobby of the former is peace and their cry is compromise and slavery. While the great principles of the other are liberty, emancipation and Union.

My dear countrymen, liberty is the greatest boon that can be bestowed upon man. Liberty of speech, liberty of thought, and liberty of action. Take away these and you reduce a man to a creature but little higher than the brute. He is dumb until bidden to speak by the ignoble tyrant who holds him in bondage. He is enchained, and unable to use the physical or mental powers granted him by nature, until it shall please the will of the same master of his being. His mind becomes locked and remains as it was, a blank in existence, except when unbolted and commanded to act by the lord who rules over it. Liberty is the birthright of every man who breathes the atmosphere of earth, and he who attempts to rob his fellow man of this right, deserves the curse of heaven, and the bitter contempt of all humanity! He deserves to be ground into dust beneath the heels of those he sought to rob of their freedom. Bonaparte, in a proclamation issued in Egypt said that, "all men were equal in the eye of God: wisdom, talents and virtue making the only difference." This is a noble sentiment, and one which if adhered to by Napoleon would have gained for him more favor than he ever received from his fellow men as Emperor. Yet, I say, fellow countrymen, that all men, whether equal in their capacities or not, should be free. No man has the right to dictate to the world who shall be free, and who shall be enslaved. No man has the right to say I shall be free, but my neighbor who has less capacity for the enjoyment of life and for the acquisition of wealth, or learning than I, shall be enslaved. And no man has the right to rob his fellow man of the greatest natural right that he has, which is nothing less than his liberty. Therefore, I say, that the aristocracies and monarchies of England, Germany, France and Russia, and the whole catalogue of weak, though ambitious and tyrannical kings, princes, and nobles of Christendom, should be compelled, together with the slave-holders in the United States, to yield to mankind their birthright. I further affirm, that an administration of a Republic, that holds itself out to the world to be governed by free and enlightened principles, has the right, and is under obligations to crush out slavery in any form within its territory, and that such administration has the right to use all its powers in breaking down tyranny in any and all quarters of the United States.

I am not a man who would court the pomp and honors of a throne, or bear with weakness the insolence of the great. I am not a creature to be cowed into submission by the display of aristocratic fools, knaves or tyrants—therefore, I am for the overthrow of the whole system of oppression, no matter where it exists, but am the most anxious for the destruction of that

tyranny which I perceive immediately at home. Away with slavery in America! Away with slavery in the world!

Now in regard to the troubles in the United States, and the manner in which the affairs of our government have been conducted under the administration of Abraham Lincoln. It is certain that one of two things must be done, either the Southern States must be permitted to establish a government independent of the United States, but upon its territory, and thereby create two separate and distinct countries where one before existed; the principles of the one being undivided freedom and national independence, while those of the other are slavery, and political aristocracy, or those states must be required, and compelled to remain permanent pillars in the temple of our national existence. abolish slavery, and submit as the other states, to just and equitable laws and the principles of our constitution. This, gentlemen, is the final issue; one or the other must be done.

Let us grant the Southern States a separate and distinct national existence, and what is the result? We see, as it were England and France, with their continual strifes, transplanted upon this side of the Atlantic, and placed one by the side of the other upon the territory of the United States with not even an English Channel between them to keep them from destroying one another. We see national prejudices growing into bloody wars. We see the clash of different principles and forms of government that are trying to live side by side. We see the glorious stars and stripes, that have spoken independence for so many years to the oppressed of the world, and the flag that floats over the slave and his master, attempting to wave in the same breeze and nearly over the same territory; and finally, we see a sure impossibility, attempting to force itself into a possibility.

In his "Inaugural address" Mr. Lincoln said: "Physically speaking, we cannot separate. We cannot remove our respective sections from each other, nor build an impassable wall between them. A husband and wife may be divorced and go out of the presence and out of the reach of each other, but the different parts of our country cannot do this. We cannot but remain face to face; and intercourse, either amicable or hostile, must continue between them. Is it possible then to make that intercourse more advantageous or more satisfactory *after* separation than before? Can aliens make treaties better than friends can make laws? Can treaties be more faithfully enforced between aliens, than laws can among friends?"

Now instead of imitating Europe, and dividing our territory into separate and insignificant countries, governed by entirely different laws and principles, as the secessionists wish, and which their copperhead friends, the opposing candidates would permit,

why not influence Europe to fashion her governments after our more enlightened form, and unite those thousand and one quarter section kingdoms into one prominent and well regulated republican government, ruled by the common sense of an educated people, and by just, equitable and liberal laws? The separation of the United States into two governments would be but a precedent for a state of things similar to that of Europe, and this, reason would show us to be a retrograde movement in civilization and enlightenment.

Let us now instead of yielding to the unworthy motives of southern leaders, as the compromising, peace begging, and timid-hearted copperhead candidates would have us do if elected to office—which Heaven forbid—let us, I say, and hear me ye immortal spirits, who when on earth risked your all, and moistened the earth with your blood to establish this heaven-born government upon the soil of America! Let us, I repeat, compel with main force, a recognition of the constitutional authorities of the United States, by each and every state of which that union is composed.

Our object accomplished, which is the object of Lincoln's administration, the preservation of the union of all the states; the establishment of universal liberty; and the exercise of the just and constitutional authority of our government, and we have the United States one, complete, and perfect nation. It will stand as an example of firmness, and a proof of the capacity of man for self government. It will excite the admiration and respect of the whole civilized world sending the conviction to the mind of every man, of the fact that a free and enlightened government like our own would be at this day, if not before, can stand permanent and secure upon its own glorious foundation, which is the establishment of the principle, that *all men must be free*.

The question before us, fellow countrymen, is, who shall manage the affairs of government for the next four years; those who advocate Union sentiments and freedom, or those who will force us to acknowledge the right of secession, state rights, and slavery?

THE NOVEMBER ELECTION.

UNCONDITIONAL UNION NOMINATIONS.

FOR PRESIDENT,  
ABRAHAM LINCOLN  
OF ILLINOIS.

FOR VICE-PRESIDENT,  
ANDREW JOHNSON,  
OF TENNESSEE.



For Governor, Richard J. Oglesby.  
For Lieutenant Governor, William Bross.  
For Secretary of State, Sharon Tyndale.  
For Auditor, O. H. Miner.  
For State Treasurer, James H. Beveridge.  
For Sup't. Pub. Instruction, Newton Bateman.  
For Congressman at large, Samuel W. Moulton.

Presidential Electors.

For the state at large

John Dougherty, of Union.  
Francis A. Hoffman, of Du Page.  
Benjamin M. Prentiss, of Adams.

District Electors.

- |                        |                      |
|------------------------|----------------------|
| 1. John V. Farwell,    | 8. Jas. C. Conkling, |
| 2. Anson S. Miller,    | 9. William Walker,   |
| 3. John V. Eustace,    | 10. Thos. W. Harris, |
| 4. James S. Pogue,     | 11. N. M. McCurdy,   |
| 5. John J. Bennett,    | 12. A. W. Metcalf,   |
| 6. William T. Hopkins, | 13. Z. Clifford.     |
| 7. Franklin Blade,     |                      |

FOR CONGRESS FROM THE EIGHTH CONGRESSIONAL DISTRICT.

SHELBY M. CULLOM,  
of Sangamon County.

These are the men who should receive the vote of every loyal and honest man in our state.

ABRAHAM LINCOLN.

Abraham Lincoln, has been tried, and we all know that he has conducted himself nobly during the past four years, whilst the ship of state has been tossed amid the breakers of secession, rebellion, and slavery, and our whole country seemed on the brink of ruin. If there are some instances when you have thought that he should have acted differently how do you know but that another placed in his trying position would have acted far less wisely? Or how do you know but that his course was right in the end, and you unable to see its propriety from your less advantageous position of observation? Taking the entire course used by Abraham Lincoln during the term of his administration, we cannot but commend and honor him for his straightforward,

unrelenting and determined will to execute the laws of our government, and to preserve and defend its holy privileges.

We, of Illinois, should be proud that a citizen of our state, which has sent forth so many heroes to fight the battles for liberty, is now called upon for the renewed services of its distinguished and noble hearted Lincoln. We should all give him a hearty support, and thereby be doing our country a lasting favor, and be lending our strength for holding together the states of the Union and for preserving the equilibrium of the nation. Under Lincoln's administration a great army and navy has been reared out of the true and loyal materials in the United States, and now stand ready to defend our constitution and enforce the laws of the government. The national finances are in the best condition possible under the circumstances, and although millions have been spent for the support of men, and for the raising of materials for carrying on this war, yet so well is the machinery equipped that it will run without being clogged until the war is ended, or the resources of our nation are exhausted. Why change the President, and thereby alter the entire policy under which we have acted for the past four years? Why not keep everything compact and unchanged until this war is completely over and peace and liberty reign triumphant in the land?

A rainbow appears above the horizon of our national existence. Within its colors are innumerable homes looming up with cheerfulness and glory like to the stars that fill the deep concave of heaven in the silent night. The virtuous maiden and the gallant youth link their lives together and create a circle of domestic bliss. The sound of war has ceased, the terrific clouds that have so long filled the sky with gloom have disappeared and the clear radiance of peace beams forth from the political heavens. Commerce and agriculture flourish unmolested, enriching the country, while foreign nations find it to their interest to stretch forward a cordial hand toward us. The chains of slavery have dropped forever from the limbs of the inhabitants of "Free America" while free labor and industry fills the south and north with plenty and cheerfulness. The glorious emblem of our national honor floats triumphantly over the whole of our country from the Atlantic to the Pacific and from the lakes to the gulf. Liberty is written across its folds, and every star is there in all its brilliancy. The thoughtful continuance of Abraham Lincoln shines through the bow, and "President of the United States for 1865-66-67-68" is stamped upon a golden medal that rests upon his patriotic breast.

Springfield, Ill., May 25th, 1864.

The Illinois State Convention met at the Capitol for the pur-

pose of electing Senators for State offices and for the election of delegates to the Baltimore Convention. I was an attendant most of the time and resolved to work for the straight union ticket and do all in my power to keep Mr. Lincoln in the Presidential chair.

I went to the Governor's levee in the evening with my wife and niece.

SPEECH BEFORE THE ATHENS, ILL. UNION LEAGUE, JULY 17, 1863.

The following is a transcript of a speech delivered by the writer before the Athens, Ill. Union League, July 17, 1863, and published in the Athens Herald:

Why should a parcel of scheming politicians anxious after the preference yielded by the people to those whom they think are great benefactors to their country, be permitted to come forward and mislead the people by false and treacherous reasonings and cause them, the people, to believe that they are the great protectors of their rights, while they are really only a burden to them, weakening their (the people's) powers and crippling all the worthy efforts of the administration. It is a disgrace to Illinois to permit a legislative body convened in its capitol to throw calumny on the government at this time, when at the very best it can only be sustained and kept united by the free co-operation of the whole Northern people in their effort to subdue the present rebellion. I say, it will be a lasting disgrace and it will in a measure counteract the gallant bearing of the loyal citizens of the state upon the field of battle.

They pretend to fear that their rights are being taken from them—these two-faced seekers after political preference. They no more fear this than they fear that the earth will stop in its course around the sun. There is not one democratic member of the legislature that does not know, as well as he knows that his life is sustained by breathing, that in order to work with any degree of force at the North at this time, the people—the great power for good or evil—must be kept united and ever mindful of the fact that at this time under the present circumstances their combined efforts will alone save the country. And they know that to let speech after speech, article after article be published in newspapers and showered upon the people, filled with opposition to the just efforts of the administration to subdue the rebellion, is but to permit the power of the people to be divided and wasted in endangering the safety of the country. They know this, but still with evil hearts, and selfish plans they do not care what they are

doing to destroy the country, just so they can by, this means, obtain power and mastery over the people and gain possession of the different branches of the state government. They think, perhaps, that when once in power they can undo the mischief they have done and remedy the evil by their fancied benefits.

The people should be warned of these prowlers after the storehouses of the land and see under the glittering, imposing and insinuating arguments, a base and treacherous purpose.

Who are these men who spring forward and offer the people, with so much generosity, their assistance in obtaining for them their rights? Who are these lawyers who will defend the rightful heir from incroachments of unlawful aggressors? Angels in the shape of men from the courts of paradise? or disloyal citizens from the marvel of the West—Chicago? Surely the people who are so unused to the possession of their liberties as the American people, should have some one—a Gowdy—a Fuller—or a Merrick—to tell them when their liberties are being taken from them, and offer their professional services in regaining their lawful rights, and as a recompense, we, the American people, can give one the president's chair, another the secretary's bureau, and a third the gubernatorial chair of Illinois. This is all they ask, and they are so very patriotic and express such liberal sentiments.

This is all they are working after and the people should not allow themselves to be deceived by them. No one pretends to take away the liberties of the people. All the actions of the administration only tend to enlarge the bounds of freedom, and to secure its blessings perpetually on this continent.

Men should not have the power to act treasonably, nor should they have the right to talk or advocate treason. But denying this right is not infringing upon the rights of the people any more than it would be to deny the right of free men to murder each other with impunity.

I think that the people possess the liberty yet of riding these demagogues on rails and sending them back to their law offices and courtrooms in Chicago. I think they still have the liberty of enforcing respect to those lawfully elected to office, even if Mr. Gowdy and his minions do not like it, and they have the liberty and the right too of compelling the editor of the Times to show that respect if they think fit. The administration has far more right to arraign individuals living in the country over which it has jurisdiction and make them give an account of their actions and treasonable speeches, than these individuals have to arraign the administration and attempt to try and condemn legally appointed officials forming this administration. It is evident to

my mind that it is nothing but party jealousy and love of power that induces these old time democrats to come forward at this time and speak and act as they do. They should be dealt with severely and be taught that even in a republic respect should be shown to the government and order and obedience enforced.

When the people learn to keep these sharks in their places and say to these impudent men who attempt to elbow their way into every position of power, that we do not need their services, unless they are willing to sustain the government. These would-be politicians are often a great curse to the country. They are the ones who stir up turmoil among the people in order to advance their own interests. They are the great lions of destruction that roam about our beautiful constructed temple of liberty and trample its glory under their unholy feet. It was such democrats as Jefferson Davis who originally precipitated the present civil war. They are the ones who grasp after the scepter of power, seeking to gain it through a mastery over the minds of the people. If the people would understand that there is something needed besides talent, intellect, and brilliant mental endowments in order to constitute a safe statesman, namely, an honest and true heart, they might be able to select the right men to take charge of the sacred interests of our country. Such an one is Abraham Lincoln, now at the head of the government.

Why is it that the ingenious lawyer should always step forward and seek to have preference in the management of all these national affairs? Why should his trickery be permitted to deceive the people for his selfish interests? Why should not the educated and worthy farmers be chosen, or the practical business man to take part in the control of the nation? Shall the wily fox of an attorney be allowed always to feed off of the wealth of the government.

Now, what with all their elocution and arguments have these pretended defenders of the peoples rights accomplished, that reflects honor upon themselves or advantage to the country? They have so far accomplished nothing good, but have continually hindered those who work and fight for a worthy object by finding fault with them continually. Instead of being a help they are a burden to the country, unwilling to pull the load but drawing back with all their might. These men having shown their true character to the people, these discerning and treacherous democratic members of the legislature of Illinois of 1863 should be remembered and shunned in the future as dangerous.



JANUARY 1, 1865.

NEW YEAR'S ADDRESS.

Welcome, to thee! Happy New Year!  
Gilded o'er with hopes so bright;  
We hail thy dawn with merry cheer,  
And think in THEE to find delight.

We bid the Old Year now adieu,  
Filled with war and bloody strife,  
And wish to find within the New,  
Peace, Prosperity, and Life.

OUR COUNTRY.

Thou, the best of earth's creations,  
Country of the brave and free;  
Fearless of all foreign nations,  
Strong at home, and bold at sea.  
Liberty, THY banner seeketh;  
The oppressed thy shelter seeketh;  
Peace and love SHOULD dwell in thee.  
Mark the veins of mighty rivers,  
Hastening through thy body e'er,  
On whose flow the sunbeam quivers,  
Gladdening them throughout the year.  
Mark thy ribs of lofty mountains  
Holding thee between their strength;  
Then perceive the welling fountains  
Gushing from them, that at length—  
Coursing through thy fruitful regions,  
Swelling rivers that adorn thee,  
Ruffled by the breezes pinions  
Reach the billows of the sea.  
Mark the princely cities rising  
On thy hills, and plains, and coast;  
Science, art, wealth, power comprising,  
Teaming with a busy host;  
Filled with learning—arts creations—  
Grasping oceans with their hands;  
Trading with all foreign nations,  
Buying produce of thy lands.  
Mark thy laws, the work of sages,  
Gleaned from out the mighty past,  
Chosen from the lore of ages,  
Molded in a freeman's cast.

See how equity doth glisten;  
To their Freedom only listen;  
See what beauties in them hover;  
Monarch's faults they do not cover;  
All men equally they measure,  
And no Lord's or Baron's treasure  
Keeps one from that fatal measure.  
Mark how grand thy Constitution,  
    Living in immortal life;  
Nothing of a *Court's* pollution  
    Mars its beauty. Is their strife?—  
Strife, blood, war, and horrid treason—  
    Now for this is there good reason?  
Some men, like the damned in Milton,  
    Rule or ruin their design;  
Hurl these from our glorious nation,  
    Else its strength to them resign.  
In the Constitution, dwelleth  
Mighty powers; and truth it telleth;  
Fiercest passions now it quelleth,  
Yet no rights to treason selleth.  
Will you? guardians of this glory,  
    Grant the marring of its name?  
Making history tell the story,  
    How they sought to soil its fame?  
Nor be blind to England's envy;  
    Or the scheming of the French:  
England with her mighty navy  
    Hopes thy power from thee to wrench;  
And the French are creeping slyly,  
Handled by their Emperor wily,  
To the vile rebellious regions,  
There to swell the rebel legions.  
Mexico, he now has conquered,  
    And has planted there a throne,  
Spurning Monroe's doctrine—honored  
    Not enough by men at home,—  
But which shall remain unshaken,  
And no force from it be taken.  
Liberty breaks thrones in pieces,  
    Rends the shackles of the slave;  
Think not he who holds them ceases  
    To plot our fall this power to save.  
Ye sons of Liberty, awake!  
And with free principles all nations shake.

## THE WAR.

Thou, O muse! who tuned for Homer,  
Dolefully the lyre of war,  
Make my harp, with stirring humor,  
Sound abroad that dirge once more.

Four years since began the warring,  
Traitors scaling Freedom's walls;  
Still its Temples now they're storming,  
Fighting, till their last one falls.  
Honor ye, the heroes valiant  
Who have fought them 'neath the stars;  
Gained for Union, conquests brilliant,  
Following boldly war-god Mars.  
Sherman's soldiers! Greet them loudly!  
They have fought, and bled most proudly!  
And midst blood and battles' clamor,  
Gained Savannah through their valor;  
Remember, too, the many conquests  
Gained within the flitted year;  
The hero's corps of us requests  
These victories aloud to cheer.  
Ah, many battles, bloody, fearful,  
Many scenes, at home all tearful,  
Many towns, and cities wasted,  
Many draughts of anguish tasted,  
Many souls to judgment hasted—  
Follow, this dread war 'gainst traitors,  
'Gainst misguided Union haters:  
But we'll leave this doleful subject,  
Hoping ere THIS year is o'er,  
We'll have gained our worthy object,  
And of war to know no more.

HILDENE  
MANCHESTER  
VERMONT

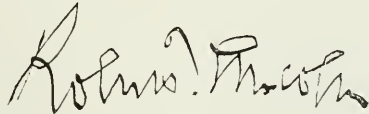
August 3rd, 1916.

David E. Gibson, Esq.,  
Gibson, Sykes & Fowler Studios,  
Chicago.

Dear Sir:

Replying to your letter of August 1st, in which you enclose a copy of a letter you are sending to Mr. Bartow A. Ulrich regarding a photograph of President Lincoln; I have no objection to your giving Mr. Ulrich any photograph you have.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Robin Thorne". The signature is written in a cursive, flowing style with a large initial 'R'.



*Abraham Lincoln*  
1865



## CHAPTER XIV.

## LAST INTERVIEW WITH LINCOLN.

Some time after my return from Heidelberg, Germany, I visited Washington, as I was seeking an appointment as consul at one of the German ports. This was in February, 1865, just two months before Mr. Lincoln's assassination. I met Mr. John Hay, then private secretary, whom I knew in Springfield before his appointment, and was taken into the President's audience chamber by Congressman Longyear of Michigan.

After I was formally introduced, Mr. Lincoln said he knew the members of my family in Springfield very well, and that he had often met them, and spoke especially of my eldest sister Mary, and gave several incidents that had occurred in the Springfield social life. He told a number of stories and jokes while Congressman Longyear and several others and myself were in the room. He spoke in a very high falsetto key most of the time, and made everyone feel perfectly at home.

In regard to this tone of voice, one of Mr. Lincoln's colleagues says: "He used, in his excitement (1836) for the first time that singularly effective clear tenor tone of voice which afterward became so widely known in the political battles of the West."

He read over my recommendations, which were signed by Senator Lyman Trumbull, Governor Richard Yates, Lieutenant Governor Bross, formerly of the Chicago Tribune, and others. He said he would try to give me a consulship in Germany. Seeing the German pamphlet which I had prepared, and which had been circulated as a campaign document before his election, he remarked that he had commenced to study that language, but had not advanced further than to say, "Sprechen Sie Deutsch, mein Herr?" He finally doubled up my papers and wrote the following on the back of them: Address to Hon. Wm. H. Seward. "Will the secretary of state please see and hear the bearer, Mr. Ulrich, and oblige him if he conveniently can? He is a young man residing in the place of my residence, Springfield, and of a most respectable family, as he is also himself." Signed, Abraham Lincoln, February 1, 1865.

I considered this a very good introduction to the secretary of state, William M. Seward. I subsequently had an interview with Mr. Frederick W. Seward, the secretary's son, who placed

my papers on file. He said I would receive a position under the Government, without doubt, in some part of Germany.

To His Excellency,

ABRAHAM LINCOLN, President.

We respectfully petition your Excellency to appoint Bartow A. Ulrich of the City of Chicago, a Consul at one of the German sea-port cities. He is familiar with the German language, has traveled in Germany and lived there for two years at Heidelberg. He took great interest in the late Campaign and distributed German campaign pamphlets of his own production among the Germans of Illinois, advocating your election. He has published an important book used in the Campaign, bearing the endorsement of the Honorable Governor Richard Yates, entitled "A Treatise on Government, Showing the Superiority of the United States Government over all others."

We are confident that should Mr. Ulrich receive this appointment he will fill it with credit to himself and to his country. He seems qualified, both on account of his knowledge of the German language and his understanding of the law and general business. We therefore recommend him to Your Excellency for said position.

Respectfully,

I. Y. Scammon

Geo. C. Bates

Geo. Schneider

Charles L. Williams

Richard Yates

Wm. Bross

Lyman Trumbull

#### COUNTING THE ELECTORAL VOTE.

On February 8, 1865, the capitol was crowded with visitors and congressmen on account of the counting of the presidential vote. I went to the House of Representatives early before the crowd came in. At 12 o'clock the House was called to order, and the Chaplain, Rev. Dr. Channing, delivered a prayer, then the regular business commenced. At one o'clock the members of the Senate marched in, quietly taking their seats with the representatives. The Vice-President occupied the speaker's seat, and the tellers took their places in front of him. Then the whole Congress of the United States being collected, it was called to order, and the Vice-President commenced opening the envelopes containing the electoral votes of each state, handing them to Mr. Trumbull.

The returns from the loyal states, including West Virginia, were counted, showing 212 electoral votes for Lincoln and 21

for Gen. George B. McClellan. The Vice-President announced that Abraham Lincoln, of the state of Illinois, having received a majority of the whole number of electoral votes, was duly elected President of the United States, for four years, commencing on the 4th day of March, 1865.

Mr. Trumbull read the ballots and announced the results to the vast audience. All the states were for Lincoln and Johnson, except New Jersey, Delaware, and Kentucky, which three states went for McClellan and Pendleton. After the votes were all separately reported, the total was announced, and the two great bodies, the House and Senate, separated, the senators slowly leaving the hall two by two. I felt highly favored on account of being a witness to this interesting sight which completed the election of Mr. Lincoln the second time as President of the United States.

The following night I attended the reception at the White House, and shook hands with the President and Mrs. Lincoln, who sent her respects to my mother, whom she said she knew very well in Springfield. I met Robert Lincoln, whom I already knew, and Mr. John Hay and Mr. Nicolay.

Among the great crowd assembled were many foreign ministers with their wives and daughters, as well as congressmen, cabinet officers, and military men. There was a great crowd in the outer room, but the distinguished personages, including the Secretary of State and naval officers were in the blue room.

Probably at this time in Washington the plot was being formed by some of his enemies to assassinate Lincoln and some members of the cabinet including Secretary W. H. Seward, but no one seemed to anticipate the terrible calamity which occurred at a time when the fratricidal war seemed to be at an end and peace was dawning upon the country.

#### LINCOLN'S RESPONSE TO COMMITTEE NOTIFYING HIM OF HIS RE-ELECTION.

"With deep gratitude to my countrymen for this mark of their confidence with a distrust of my own ability to perform the duties required, under the most favorable circumstances, and now rendered doubly difficult by existing national perils, yet with a firm reliance on the strength of our free government, and the eventual loyalty of the people to the just principals upon which it is founded, and above all with our unshaken faith in the supreme ruler of nations, I accept this trust. Be pleased to signify this to the respective Houses of Congress."

## LINCOLN'S REPLY TO SERENADE.

In answer to a serenade on the evening of his reelection, Mr. Lincoln said:

"I am thankful to God for this approval by the people. While deeply grateful for this mark of a confidence in me, if I know my heart, my gratitude is free from taint of personal triumph, but I give thanks to the Almighty for this evidence of the people's resolution to stand by free government and the rights of humanity."

## CHAPTER XV.

PRESIDENT LINCOLN VISITS RICHMOND WITH ADMIRAL PORTER, APRIL 4TH, 1865—SHERIDAN OVERTAKES AND DEFEATS GEN. EWELL—GEN. LEE ASKED TO SURRENDER BY GEN. GRANT—GENERALS ORD AND GRIFFIN STOP GENERAL LEE ON THE SOUTH—GENERAL MEAD STOPS HIM ON THE NORTH—LEE SURRENDERS—RICHMOND EVACUATED—DAVIS CAPTURED—ASSASSINATION OF PRESIDENT ABRAHAM LINCOLN.

April 3, 1865, the Fifth Massachusetts Cavalry reconnoitered and discovering the flight of the rebels took possession of Richmond. The Union troops were everywhere joyfully received. President Lincoln visited the captured city with Senator Sumner, Admiral Porter, and little Tad Lincoln. The people thronged about him and General Weitzel's men had to clear a passage for him through the streets.

W. O. Stoddard, who was his private secretary, in his life of Lincoln, gives a vivid picture of him in Richmond. He says: "The President took his hat off reverently to those who surrounded him, men and women, weeping and shouting praises to God, and bowed but he could not speak, for the tears were rolling down his cheeks. The liberator had come suddenly among a people whose bonds he had broken, and to whom he had opened a hope of manhood and womanhood in the days that were to be. It was a day, an hour worth living and dying for, and was given him to see it. He returned to City Point that night, but paid the city another visit three days later and with Mrs. Lincoln and Tad, accompanied by Vice-President Johnson and others."

This was only about one week before the President was assassinated by Booth. The enlistments were stopped and the reduction and disbandment of the Union army commenced.

Colonel Charles Francis Adams, grandson of President John Quincy Adams, entered Richmond with a colored regiment. President Davis left Richmond April 2, 1865. The rebel congress gave orders to set fire to the tobacco and cotton warehouses and other public properties. The result was a great con-



flagration. Seven hundred buildings were destroyed. There was robbery and panic in the city.

Sheridan overtakes and defeats General Ewell.

General Lee asked to surrender by General Grant.

April 7:

General Lee finally surrenders his army of 28,230 Confederate men at Appomattox.

#### CAPTURE OF JEFFERSON DAVIS.

"On the first Sunday of April 18, 1865, while seated in St. Paul's church, Jefferson Davis received a telegram from General Lee announcing the fall of Petersburg, the partial destruction of his army and the immediate necessity of flight. He left the house of worship and hurried home where he and his personal staff of servants spent the rest of the day in packing their personal baggage. At midnight everything was in readiness, even the gold that remained in the treasury, not exceeding in all forty thousand dollars, which was packed among the baggage, and under cover of darkness the president of the confederacy attended by three members of his cabinet, Breckinridge, Benjamin, and Regan, drove rapidly to the train which had been prepared to carry them from Richmond.

A few days thereafter the news of the expected calamity of General Lee's surrender reached them when they turned their faces again toward the South. Breckinridge was sent to confer with Johnson, but found him in time to assist in drawing up the terms of his celebrated capitulation to Sherman. (Major General James Harrison Wilson).

Jefferson Davis was aroused in the early gray of the morning by a faithful negro servant (the same who afterwards attended his broken fortunes), who had been awakened by the sound of firing in the woods. The President had not laid off his clothes, and in a moment he had issued from the tent where he was sleeping. The woods were filled with mounted troops and noticing that they were deploying as if to surround the camp he quickly imagined their character and design and returned within the tent, either to alarm Mistress Davis, or there to submit decently to capture. She besought him to escape, and pointing to an opening in the tent, threw over his shoulders a shawl which he had been accustomed to wear. His horse, a fleet and spirited one, was tied to a tree at some distance. He was within a few steps of the animal that might have borne him out of danger when a federal soldier halted him and demanded to know if he was armed.

Davis is reported as saying "If I were armed, you would not be living to ask the question". Colonel Pritchard commanding the body of cavalry, rode up and addressed him by name, demanding his surrender.

He submitted, walked back to the tent, and in the presence of his wife asked Colonel Pritchard if she might continue her journey. The reply of the Colonel was that his orders were to arrest all the party. Mr. Davis rejoined with sarcasm: "Then, Sir, what has been said is true: your government does make war upon women".

The unhappy prisoner after these words was coldly silent, asking no questions of his fate. Not intruded upon by any curiosity of the captors, conversing only to the faithful and devoted wife, from whom he was not yet divided, and whose whispers of affectionate solicitude by his side were all to lighten the journey as he rode moodily in the cavalcade back to Macon, where first he was to learn the extent of his misery and to commence the dread career of the penalties he had accumulated by four long and bitter years of war. (Phila. Times Annals of the War.)

In another article Mr. Regan says "if it is meant by this statement simply that the money in the treasury (gold and all) was taken with the archives of public property away from Richmond by the proper department officers the statement is correct, but if it meant by this insidious form of statement to be understood that this or any other public money was taken from Richmond in Mr. Davis's baggage then the statement was wholly false." (Pollard.)

Since March 29th, 19,132 men had surrendered, making in all 47,363. General Ord and Griffin had stopped General Lee on the south and General Meade stopped them in the north while Sheridan had taken Lee's supplies.

#### ASSASSINATION OF PRESIDENT LINCOLN.

On April 14, 1865 President Abraham Lincoln was assassinated by John Wilkes Booth at Ford's theatre.

Nearly nineteen hundred years after the martyrdom of Christ Jesus, the great advocate of complete liberty, including freedom from sin, Abraham Lincoln appeared in the political arena of the United States, boldly defending the Union and liberty, and hurling defiance in the face of a slave aristocracy, knowing at the time that under the circumstances, it might cost him his life. Finally, as the President of the United States, he overthrew the slave power of the South, liberated the negro, and saved the Union. He was assassinated by enemies favoring the South, but not by the leaders of the rebellion. Thus he, too, was sacrificed for maintaining higher ideas of justice and liberty.

Had he not stood forth in defiance of rebellion and slavery, when the Chief Executive of the Nation, the Union might have

been destroyed and slavery retained in America for the time being.

For detail description of President Lincoln's assassination and events transpiring at the close of his administration see following.

Memorial Address by Bancroft, 1866.

Recollections of Lincoln, 1847-65, by Lamon, 1895.

History of Lincoln by Nicolay and Hay, 1890.

Every-day Life of Lincoln, by F. F. Browne.

History of Lincoln, by Arnold, 1867.

Essay on Lincoln, by Carl Schurz, 1891.

Fifty Years Public Service, by Senator S. M. Cullom.





*Barton A. Ulrick*

1916

Photograph by Gibson, Sykes and Fowler



## Part II

# Constitutional Government



## PREFACE

Government by a written constitution, as now understood, in place of a personal government, or Sovereignty, has been a factor of slow and bitterly contested growth for promoting the liberty of the individual and a representative government, in opposition to monarchical precedents. This plan of government or an ideal Republic has long existed in the minds of men and has struggled for realization for centuries. It was foreshadowed in the old Roman and Greek republics and in the various charters granted by kings of England from William the First, (1066-1089) until 1215, when King John was compelled to grant the written "Magna Charta" at Runnymede. It was later introduced in the articles of confederation between the forest cantons of Uri, Schwyz and Unterwalden in 1291, which confederation was gradually built up subsequently through the annexation of new cantons until now twenty-two comprise the republic of Switzerland.

This scheme of government, however, which had floated as a glorious vision in the imagination of the sons of men dissatisfied with monarchical rule for so long a period, was never realized nor materially established on so elaborate a scale that all the world was compelled to recognize it, until the founding of the Representative Democracy of the United States of America. It eliminated a personal sovereign forever, after the Declaration of Independence, July 4th, 1776, and the successful termination of the Revolution, precipitated by the tyrannical demands made upon his subject colonies by George the Third, in defiance of well established constitutional precedents.

The Articles of "Confederation and Perpetual Union," ratified March 1st, 1781, and the subsequent Constitution made to form a more perfect union and ratified by all the states in 1788 was tested to its utmost capacity by the unprecedented civil war of 1861.

The contention between the Northern and Southern states was the right of secession. The extension of slavery into the territories was also contested and decided in the affirmative by Chief Justice Taney in the Dred Scott case March 6th, 1857.

The Supreme Court held:—

I. That negroes had not been regarded as citizens by the framers of the Constitution, and that, therefore, they could not bring suit in a United States Court.

gers of the British Empire. They have all shown their devotion and loyalty in the mother country.

The rise and spread of this new theory and practice of government is the most significant development of the last hundred years—perhaps of all history. The purpose of the present work is to disclose the facts in connection with it, and to so group them that their meanings and their effects on each other and the world shall be made clear. Their compilation and the research it imposed began in 1863, and have been carried along continuously and carefully down to and following the inclusion of Portugal and China in the family of republics.

In 1863 I was a student in the law department of Michigan University. Upon graduation from that department, each student was required to write a thesis. Having previously studied at the University of Heidelberg in Germany in 1858-60, I became interested in the various forms of government in Europe, and I chose for my theme "A Comparison Between the Form of Government of the Republic or Representative Democracy of the United States and Those of Other Nations."

My thesis was submitted to Professor Thomas MacIntire Cooley, LL. D.; James Valentine Campbell, LL. D., and Charles Irish Walker, LL. D., of the Law Department, and at their suggestion several changes were made.

These suggestions brought about a further investigation which finally led to the production of this work, to which I have devoted a great amount of close application, tracing the events creating liberal constitutions in the last half century.

The Civil War then drawing toward its close naturally caused my mind, like many others, to follow closely the progress of events. Even then, under the critical conditions through which the nation was passing, the steadfast attitude of our great patriot and statesman, Abraham Lincoln, and the development of his clear understanding of constitutional government engrossed my attention and confirmed my conviction that our representative democracy, with its written constitution (subsequently amended) is preferable to any other form of government that has been successfully tested. It is the abuse of this form of government which excites criticism.

The re-establishment of the federal government over all the United States of America with the continuation of the republic intact, demonstrated the capability of a popular representative democracy to maintain its life, its cherished institutions, and its equilibrium in the most adverse circumstances. Under the constitution order was brought about and the reconstruction of the seceded states accomplished in much less time than was taken to restore the former government of England (with its sovereign

power lodged in an individual) after the thirteen years of Cromwell's rule which followed the execution of Charles the First, or in France after the fall of Louis the Sixteenth.

Their throne was not restored to the Bourbons until 1814, when Louis XVIII. was crowned King, and later when Louis Philippe took his place, being the last of the race who reigned in France. Since 1871 France has been a constitutional republic.

Many things have changed and history has been rapidly created since our civil war. I have endeavored in this book to trace these changes, to show their world-interactions, and their steady trend in the direction of liberal representative constitutional government with equal universal suffrage.

It is evident that the effect of our American initiative in this has been especially and beneficially felt by France, Germany, Japan, the South and Central American countries, Belgium, Portugal, Russia and China, as well as the self-governing states comprising the British Empire.

It has been necessary in order to complete the work satisfactorily to draw largely from well-known and accredited writers and to study thoroughly current literature treating upon this complicated subject. In order to acquire a knowledge of the different forms of government so as to compare them, I have read the books treating upon this subject that were in the University Library at Ann Arbor. These were the works of Montesquieu, de Tocqueville, Bacon and de Lorme, *The Federalist*, *Story on the Constitution*, Anser on Government, also the messages and speeches of George Washington, Daniel Webster, Abraham Lincoln, William H. Seward, Charles Sumner and other statesmen to whom special authority in this field is accredited.

Conspicuous among the many other authors subsequently consulted are John Fiske, (*American Political Ideas*); A. Lawrence Lowell of Harvard University, (*Governments and Parties in Continental Europe*); Walter Fairleigh Dodd (*Modern Constitutions*, Press of the University of Chicago, 1908), Prof. Frederick Austin Ogg (*Governments of Europe*), James Bryce (*American Commonwealth*), William Stubbs, M. A., Oxford, 1870 (*Select Charters*); Emlin McClain, LL.D. (*Constitutional Law in the United States*); T. W. Cooley of Michigan University (*Comparative Merits of Written Constitutions*); B. E. Howard (*The German Empire*).

The bibliography is not comprehensive, but I desire to acknowledge special obligation to the authorities above mentioned.

For events of to-day bearing on new Constitutions and governmental changes I wish to acknowledge help received from



news gathered from the Christian Science Monitor and the Literary Digest.

BARTOW A. ULRICH.

January, 1914.

The following letter from Governor Yates will explain itself:

STATE OF ILLINOIS, EXECUTIVE DEPARTMENT

SPRINGFIELD, June 30, 1864.

BARTOW A. ULRICH, ESQ.:

DEAR SIR: I have just finished the reading of your manuscript, entitled, "A Short and Practical Treatise on Government, Showing the Superiority of the United States Government Over All Others."

I have found it a very interesting, impartial and able exposition of the different forms of government, clearly defining and contrasting the structure and powers of each, and triumphantly vindicating the superiority of representative democracy over all others. The analysis of the powers of the Constitution and the distinction between NATIONAL and STATE sovereignty, are concise, lucid and well defined.

No one can read your work without interest and profit; and at no time since the formation of the Government has there been such necessity for some plain treatise on its nature, workings, and adaption to the wants of the people as now.

I can look to a wide circulation of your work among the people as potent for good, and I could wish to see it a hand-book in all the homesteads of the land. It will be a new stimulus to loyalty, a reminder of the good we are fighting for—nerving the popular mind and heart to hold on with unyielding purpose to a Government founded by the best men, in so much wisdom, and so full of benefactions to the people now, and of promise for posterity.

Truly yours,

RICHARD YATES.

This letter and the thesis were circulated by the Union League as a campaign document in Mr. Lincoln's second candidacy for the Presidential office.

In 1880, this thesis, revised, was put to similar use in the campaign that resulted in the election of James A. Garfield. General Garfield himself sent me this acknowledgment:

MENTOR, O., July 26, 1880.

MR. B. A. ULRICH, 110 Dearborn St., Chicago, Ill.:

DEAR SIR—Yours of the 24th inst. inclosing proof slips of your Treatise on Representative Democracy, is received. I regret that I have not time to read it carefully and critically, but I have glanced over its leading points enough to see that it is of importance. If I had the time should be glad to comply with your request and make suggestions on the subject. When it is published please send me a copy. I return the slips.

Very truly yours,

J. A. GARFIELD.

During the Garfield campaign Governor (afterward Senator) Cullom wrote as follows:

STATE OF ILLINOIS, EXECUTIVE DEPARTMENT

SPRINGFIELD, Aug. 3, 1880.

B. A. ULRICH, Esq., Chicago, Ill.:

DEAR SIR: I have read with much interest your pamphlet entitled "A Comparison Between the Forms of Government of the Representative Democracy or Republic of the United States, and Those of Other Nationalities," etc.

It is an able contribution upon a subject now deservedly occupying public attention. Its historical allusions are very valuable and instructive. Its logic in favor of our own form of Government is as convincing as the conclusion is satisfactory. This is a Nation with a big N, and all the people ought to understand their relations to it as such.

I would be glad to see your work in the hands of every intelligent voter.

Very truly yours,

S. M. CULLOM.



## CHAPTER I

## COMPARISONS OF THE DIFFERENT FORMS OF GOVERNMENT.

There must be in all governments a supreme and controlling power which can be enforced, placed in some particular person or assemblage of persons, chosen by the people as in a republic, or hereditary as in a monarchy, from which central point can flow the commands to do or not to do certain things for or against the good of all under that government.

Monarchy, aristocracy and democracy are the three great divisions of government. Any two of these, or all, may be limited and combined in the formation of one government, which is called a mixed government, as that of Great Britain.

A Monarchical form of government exists where the supreme and controlling power is placed in the hands of one person, as in Russia; an Aristocratic form, where this power is given to a certain class of people, generally for no other reason than that of their birth and their inheritance, as in Athens under the control of the Four Hundred; and a Democratic form of government, where this supreme and controlling power is given to the people who compose the nation under that government, either directly or by representation, as in Switzerland and in the United States.

Modern systems of government comprise: A confederation of states: this is created by a league or compact between states for mutual protection, as the old Confederation of Germany before the German Empire was established, and the early confederation of Switzerland. A Federation is a union of states under one central government, as the United States at present, being a compact between the states, which by the terms of the contract surrender their general sovereignty and form a Federal Union. A Constitutional Monarchy can be formed by having a written constitution providing for a parliament or congress, and a ministry accountable to the same, as in Belgium, or accountable to the Monarch, as in Russia; a dual government, where two nations, each having a constitution, with a congress or parliament, have one king who acts for both. These forms of monarchies can be elective or hereditary. A Constitutional Monarchy can exist without a definite written constitution, as in England, where old charters, acts of parliament and statutes form precedents,

but no written constitution exists. An Oligarchy is an aristocracy drawn into fewer hands. The government of Scotland became an Oligarchy when, in the reign of James II., the administration of the public purse and with it the power of the state, was conferred on eight men, called on that account Octavians. This form of government has become practically obsolete.

"The constitution of a government is the body or collection of rules and principles in accordance with which the powers of that government are exercised; and a constitutional government is one the powers of which are exercised in accordance with rules and principles which are generally accepted as binding upon it and usually follow."

#### WRITTEN AND UNWRITTEN CONSTITUTIONS.

"In this proper and usual sense all the governments of civilized peoples are constitutional, whether they are monarchical or republican." E. McClain, § 5, *Constitutional Law in the United States*; T. W. Cooley, *Comparative Merits of Written and Prescriptive Constitutions* (*Am. Law Rev.* xxiii, 311); S. G. Fisher, *Evolution of the Constitution of the United States*.

"The proposition that government exists for the benefit of the governed, and not merely for the advantage of those who exercise the powers of government, is not original with the American people. It had been recognized as fundamental by many writers before the Revolution, and is a necessary outcome of the fact demonstrated by human experience, that as between a single ruler, or a small ruling class, and the mass of the people who are ruled, the great preponderance of power and resource is with the latter. This consideration has made it essential that all rulers, or governing classes, shall at least pretend to administer government for the benefit of the governed." (E. McClain.)

Considering government as essential to the control of men in their social state, we will examine these different forms and see which is the most conducive to the promotion of order, prosperity and liberty in the various stages of civilization.



## CHAPTER II

## REPRESENTATIVE DEMOCRACY

Montesquieu, in "the *Spirit of Laws*," thus defines democracy: "*When the body of the people in a republic are possessed of the supreme power, this is called a democracy.*" And he continues: "When the supreme power is lodged in the hands of a *part* of the people it is then an *aristocracy*." Noah Webster gives the following definitions: Democracy; "Government by the people," "a form of government in which the supreme power is lodged in the hands of the people collectively." Democrat; "one who adheres to a government by the people, or *favours the extension of the right of suffrage to all classes of men.*" Our republic, a representative democracy, is to-day the greatest and most perfect that ever existed. In comparison, it throws Rome, with all her grandeur in the height of her ancient glory, even when boasting of her democracy and liberty, as well as the republics of Athens, Greece and Florence, into the shade of inherent slavery and despotism, and has left far in the back ground all other peoples who have striven against the power of arbitrary rule to construct an independent democracy. Our democratic system of government attracts the attention of the civilized world; the word itself has a sweet and welcome sound to the ear of the oppressed of all foreign arbitrary governments. With it are connected all their ideas of liberty, equality, and the natural rights of man. In their minds it is the synonym of all that is adverse to monarchy, and to every form of arbitrary and tyrannical rule. Large representations from nearly all climes and nations, hearing the glad tidings of the founding of a new republic in the Western world, flocked to our vast and productive territories, here to find freedom and personal security under our democratic form of government. And here, also, were forcibly brought the children of the burning regions of Africa, who, in violation of the fundamental principles of democracy, were fettered in the most abject slavery which was the first step—and one taken even in its infancy—towards transforming our government into a rigorous aristocracy.

After a fratricidal and bloody war for the supremacy of our united republic, and of the principles of equal rights and

general and untrammelled freedom—the inseparable adjuncts of a pure democracy—the millions of enslaved men and women of the South were liberated, and the aristocratic power which had nourished slavery was broken. Now that it is effected, every purely democratic citizen hails the triumph as the culmination of all that is truly benign, liberal and protective to personal freedom and security in our enlightened government. The people should remember the dangers of limiting the powers and privileges of certain classes on account of birth, or in other words of color,—of the overbearing aristocracy, or nobility of Europe,—how those who are born with exclusive powers crave an enlargement of those powers at the sacrifice of the rights of others,—and that the security and perpetuity of the liberties of each man and his descendants in the nation, depend upon the universal and unequivocal freedom and political equality of every man and his descendants in the nation.

#### LIBERTY.

The world has been twice electrified by the wars successfully fought upon the western continent in support of liberty. The revolutionary war not only freed the North American colonies and secured to them a republic, but France, Great Britain and the continental states felt the mighty wave of popular independence impelled from the western shores of the new world. Through the victory of the union in the civil war not alone the enslaved negro, but also the down-trodden of Poland, the oppressed of Italy, the thwarted of Hungary, the serfs of Russia, the once outraged people of Mexico and those of other nations, deprived of freedom by a tyrannical and arbitrary power, felt the electric shock and the magnetic influence of the powerful force of personal liberty which for the second time shook the continent of America.

These two wars, fought under the banner and in the name of Liberty, caused ancient thrones and the knees of monarchs to tremble; crowns seemed to become possessed with wings, threatening to fly away from those who nervously grasped them; empires seemed to rest upon trembling earthquakes and volcanoes appeared to be rumbling beneath mighty kingdoms, ready at any moment to burst forth and destroy them, thus changing the entire map of the old world.

Although these modern wars have ended, the result being decided in favor of the principle of liberty, the influences brought to bear upon the destinies of nations has yet to bear fruit. France

threw off the rule of the Bourbons and the power of the Napoleons, while Prussia broke the dominant sway of Austria and set at defiance the "modern" emperor decked in the garb prepared by his teacher, Machiavelli, and he, Napoleon III., was forced to acknowledge the superior claims of national as well as individual liberty. Mexico boiled to her center with righteous indignation and cast out the pampered children of European despots and shot Maximilian as a common felon.

The way is now open for the progress and universal sway of liberty in the new world. When Cuba cried for help against the cruelty of Spanish mediaeval despotism, as brutal in its nature as Nero's reign over Rome's captive slaves, the creature of liberty, the United States of America, sprang to her rescue. The army and navy of a republic arose in their majesty to crush the hydra-headed monster of anti-Christian Neroism. Today Russia, Germany, Italy, Spain, Austria and Turkey maintain great armies and navies to keep in subjection their provinces and their classes. Were these military forces disbanded the mass of people now held in subjugation would not tolerate a dominating class who heretofore ruled and now rule them with a rod of iron. These ruling forces think they have the right, directly or indirectly, to control the world, and even all America is considered subject to their arbitrary dictatorial will. It was our duty, as freemen and representatives of a free government, to drive out of Cuba the cruel Spaniards, and destroy them as Maximilian was overthrown and annihilated in Mexico. A republic was secured for Cuba as Mexico secured a republic. European powers should understand that we are not only able to maintain our republic, but also to protect and establish other republics on this side of the Atlantic. The victory of the American navy at Manila demonstrates the fact that the slave armies and navies of despotism are no match for armies and navies comprised of independent citizens of a republic.

There is no cause for advocating socialism or anarchism here. America, today, is the grandest, most enlightened and freest nation that has existed in the world. Its sons and daughters have greater liberty and privileges than those of the Free Romans at any time, and they are equal to the independent princes of today, possessing not only the most diversified, rich and magnificent territory on the face of the whole earth, but also a Government the most liberal and humane of any yet constituted for man. Created through the wisdom of great statesmen, who were not willing to endure the oppression of the old and tyrannical Governments of Europe, yet who believed in law and order, and expected that the laws of the republic would be obeyed and enforced as promptly as the laws of an empire. It is now to the

interest of all classes, whether employers or employes, to see that our laws are enforced. A comparison of this Government with the various other forms of Government, monarchical, aristocratic or mixed, will demonstrate its superiority and should convince every citizen that anarchism, communism, socialism or other theories advanced by those who think that they could do better are not needed if honest men are elected to office, our present form of government properly administered and our laws executed. Old monarchies, jealous of our republic could not destroy it easier than to secretly aid the plans and purposes of communists and anarchists who ignore our laws and threaten the lives of those who represent the Government. Should such men ever succeed to break up the republic, which I believe impossible, especially since the verdict rendered in the great trial of anarchy in Chicago, a despotism like that of Russia would at once be established, of necessity, to throttle anarchism by military rule. To avoid this threatened danger those who wish to uphold freedom, oppose despotism, anarchy, communism or socialism, should elect to office at all times those who will honestly represent the principles of our government and faithfully and fearlessly enact the laws.

Men should not be elected who do not comprehend the profound theory of Republicanism, but who are the superficial leaders of political cliques.

Every good citizen in the United States of America should consider himself an integrant part of the Government, ready to defend and sustain the entire fabric, if attacked, in an intelligent and conservative manner.

#### THE SO-CALLED DIVINE RIGHT OF KINGS.

To prove the utter fallacy of such a claim, compare the presidents chosen by universal suffrage in the United States, from Washington to Wilson, with the several Kings, Emperors, Czars of Europe who have reigned during the same time.

We all know the position taken by George III. in reference to taxing the American colonies in order to raise money to meet the expenses of the previous wars of England. He did this in violation of the English Constitution, which Charles I. had also violated in the same way. It was contrary to the principles of parliamentary government in England for the King to attempt to raise money by taxation on his own account, as this was the prerogative of the House of Commons. Besides he was taxing subjects of Great Britain who were not represented in parliament. He was not sustained in this action even by many of the leading statesmen of England.



George III. was continually in difficulty with the ministry and he gave little evidence of ability in administrative affairs. Finally in 1811 he became hopelessly insane and remained so for nine years.

During this period we had as presidents, George Washington and John Adams. These men, all will admit, were far superior in administrative ability and in every way to George III.

Next we come to George IV. He proved to be a profligate of the worst kind, and was noted for his disgusting social relations and complications. The people suffered from his incapacity and profligate reign from 1811 till 1830. During this time we had Madison, Monroe and Jackson. There is no comparison between these able presidents and the licentious George IV. Queen Victoria reigned between 1837 and 1901, successfully and wisely but parliament governed. She was succeeded by Edward VII. and his son George V. who were each highly accomplished and amicable gentlemen and it may be truthfully said that they also reigned wisely and successfully but that parliament and the Ministry in the meantime governed the great empire of great Britain.

During these years of wise governmental administration in the United States, Prussia was under the direction of Frederick William II. from 1757 to 1797. He managed to involve the nation in debt and antagonized his subjects by his censorship of the press and his affairs with the woman—Wilhelmina Encke, Frells, Von Voss and others. His mind was occupied with mystical occult demonstrations and he cannot be compared with our presidents as to ability and manly character.

Frederick William III., who succeeded him, was defeated by Napoleon and lost most of his provinces. He was a man of inferior capacity and vacillating temperament, but nevertheless an autocratic ruler. The best achievements of his reign were due to the ability and good judgment of his wife, the beloved Queen Louisa. As a ruler and statesman he was not the equal of the presidents holding office during his reign.

Frederick William IV. was inconsistent in his dealings with his people. He was arbitrary and autocratic and finally became insane. William I. who succeeded him was the first Hohenzollern since Frederick the Great who displayed marked ability as a ruling sovereign. He was on a plane of equality with the majority of the presidents who have administered the affairs of the United States government. He was first regent and in 1861 became King. He was co-temporary with Abraham Lincoln and was successful in the Franco-Prussian war, with the assistance of Bismarck, in establishing the German Empire.



William II. King of Prussia and President of the German Empire with the title of German Emperor, proved to be a very efficient and popular ruler up to the commencement of the war precipitated August 1914. Until the outcome and causes of the war are thoroughly understood and the sequel historically recorded, it is impossible to correctly estimate his place among Imperial rulers.

## CHAPTER III.

## THE IMPERIAL TRUST.

Today four European sovereigns, Francis Joseph, Emperor of Austria-Hungary, Emperor William II. of Germany, Czar Nicholas II. of Russia, George V., King of England and Emperor of India, rule directly and indirectly over 650,000,000 subjects. Their jurisdiction extends over two-thirds of the area of the globe, including Austria-Hungary, Russia, Siberia, part of China, India, Great Britain, including Canada, Australia, West Indies, Egypt, British possessions in Africa, and then the German Empire with all its states and possessions. These three monarchs can act, if they desire to do so, as a unit on any proposition which affects them severally or jointly, the same as the heads or presidents of three large and comprehensive corporations with affiliated companies. Their armies and navies can be called together instantaneously, and unite in carrying out some scheme which all the rulers desire, or throw the entire world into confusion if they have a family quarrel as the great conflict now going on proves.

Co-operation with the legislative branches of the different nations of course must be forced or obtained in some way. These rulers are all connected by family ties of intermarriage. The great standing armies under their control are maintained in a greater degree than is generally understood for the purpose of supporting and defending these sovereigns individually and collectively against the interference of their own subjects as well as to protect the different countries against each other and antagonistic nations. It has been in the past almost impossible for the people under the control of the rulers forming this imperial trust to contend against them successfully or accomplish anything of a radical nature in antagonism to this immense aggregation of material wealth and military and naval power. Nevertheless since 1789 it is stated that all the civilized people of the western world wrested constitutions from these and other rulers and now in a greater measure than ever before control their political destinies with such machinery as written constitutions, parliaments, congresses, and other legislative bodies, sustained by manhood suffrage and strengthened by compulsory universal education.

Through the principle of democracy and nationalities there was created a new Germany, a new Italy, a new French republic, a new Swiss republic, a democratic England, a constitutional federated Austria-Hungary, and a group of free Slav states in the Balkan peninsula. All these and the other small states of Europe in a good measure remodeled their governments upon English and American forms. Prussia and Russia remained the only two powers in Europe not reconstructed and the latter of these has been nearly thrust back into the ages." (Modern History, Willis Mason West.)

Since the above was published, China has overthrown her imperial government and established a republic, and Portugal has also retired the Braganza dynasty, and obtained a written representative constitution for a republican form of government.

The Romanoff dynasty, the Hohenzollerns, the Hapsburgs, the Bourbons, the Orleanists, the Bonapartes, the English Stuarts, the Manchu dynasty of China, and the rulers of the Ottoman Empire, who have at different times individually and collectively assumed to dictate to the world what they should or should not do, and subjected large portions of its inhabitants to their imperious wills, can no longer hold in this twentieth century undisputed or supreme power. The Bourbons, the Orleanists, the Bonapartes and the Manchu dynasty are now overthrown.

There are other equally as great forces in the Western Hemisphere and in other portions of the world to contest the supremacy of the remaining sovereigns. The United States itself is greater in real wealth and, given time, can muster as much aggressive power as any one of the great empires mentioned. There are individual families in America now who own and control as much wealth in their own right as any European king, emperor, or czar. There are corporations controlling more material resources than any two of these old imperial families. There are also individual families in these kingly ruled countries who control as much wealth as many of the rulers assuming control over them. The great mass of the citizens of these monarchies are also more advanced and better qualified to rule than ever before.

With all their wealth, standing armies and navies, fortifications and defensive resources, these imperial and kingly families with their assumed "divine rights," cannot protect themselves against insanity and degeneracy. Modern history shows that they are losing their ability to govern and consequently their power is passing away from them into other hands. The twentieth century will mark, with its gigantic war, it is to be hoped, the permanent retirement of all these imperial, ducal, and highly titled families who have ruled, misgoverned and destroyed mankind in the past. They should be superseded by written constitutions containing

the supreme law of the land, granting universal suffrage when expedient and equal rights and protections to all citizens. These should take the place of imperial thrones, crowns and the so-called divinely appointed sovereigns, who use their power to dominate and absorb the wealth of their subjects.

Nearly every nation of Europe is represented in the United States of America by a large body of their former subjects, amounting in some cases to hundreds of thousands, who are now loyal citizens of the republic, living harmoniously under a common constitution. This demonstrates the possibility of the inhabitants of the different states of Europe uniting and living satisfactorily under one constitutional government like that of the United States of America, and comprising the United States of Europe. By a general election, the people of these several states or nations could jointly elect their president and their representatives to a national congress or parliament and so construct an European republic with a written constitution.

The royal families of the different states or nations are now the main obstacle to a united Europe under a constitutional government. The kings, princes, lords, and barons, and other titled personages would then become private citizens living on their estates the same as large property owners in America. They could fill prominent positions as well as other citizens, if qualified and elected by the people, and they would probably enjoy life more than they do now and have less responsibility. The great standing armies could be disbanded and greater attention given to commerce, art, and literature. A citizen of one state would then be a citizen of the other state and have a common interest in all Europe. This would do away with the continual war between nations for more territory.

Kings under certain conditions may be tolerated, but the nation should have a free choice and elect a man for a limited term of years who is capable to fill the position.

#### PROPOSED EUROPEAN PEACE FEDERATION CALLED PRACTICAL.

A recent press dispatch says: Sir Max Waechter's project of a federation of the states of Europe was the subject of an interesting lecture delivered at The Hague before the Vrede door Recht (Peace through Justice Society) by Mr. Knobel, a member of the Second Chamber, and a former envoy to South Africa, Persia and other countries.

The lecturer pointed out that there was an important difference between the old and new schools in the peace movement. The old method, he said, was to hold up various ideals and to set

up a very exalted standard, without taking into consideration whether it could actually be realized, and this did not lead to any great results.

A later generation had arisen, however, which was not content merely with contemplation, but first of all strove after definite results. The work done by this new movement, the speaker said, was slowly but surely advancing. The pacifists of the new age were no longer dreamers; they put proposals before the diplomats which the latter could realize if they would.

He himself had for many years worked at this project of Sir Max Waechter for a league of the European states and he fully believed in it. The annual cost of armaments in Europe, according to Sir Max, was 4,320,000,000 florins, with which sum a railway might be built around the entire world. Even so colossal an undertaking as the Panama canal had not cost more than 960,000,000 florins.

The lecturer went on to point out the enormous loss entailed to labor by the standing armies which meant that 5,000,000 useful citizens and 100,000 horses were kept from productive work. This in figures meant that a further waste of about 6,000,000,000 florins, and altogether these, with other pecuniary losses involved a sum amounting annually to about 12,000,000,000 florins.

Was not this stupidity, in other words, a new form of slavery, and was not the whole expenditure nothing more than an insurance premium against war? Sir Max Waechter's idea is to bring about a federation of the states of Europe on an economic basis, starting with Great Britain and Germany, whose examples other countries might be expected to follow. These chances were not, the speaker pointed out, so remote as people might think. At the same time a great deal more was to be expected from public opinion than from the heads of the various states.

#### MONARCHIAL RULE A FAILURE.

As long as monarchical administrations exist, controlled by a personal ruler as in Europe, there will be discontent, revolution and periodical devastating wars. The courts of Kings, Emperors, and Czars are centers of diplomatic intrigue, trickery and unchristian and diabolical plots. The supreme ruler is supported by the war lords and the army and navy. Depending on the reigning house is the bureaucracy which is powerful and tyrannical. The human mind is continually at work under such conditions to overpower, deceive and destroy all opposition at home or in other nations. Armies are trained and armaments manufactured and collected in preparation for immediate attack if de-



cided on to force the secret decision in the Imperial state chamber.

Treaties are violated with impunity and treated by great diplomats and Chancellors, as worthless "scraps of paper". New treaties are entered into secretly and carried out to accomplish some mysterious plot of which the people know nothing. Millions of human beings are killed in cold blood or wounded and maimed for life at the command of heartless men who keep safely in the background through cowardice.

Whoever will take the trouble and time to study European history for the past two thousand years will discover the truth of these statements. It will be the same for a thousand years to come unless this system of government is changed and hereditary rulers dispensed with entirely and forever.

Nations so governed are not only disloyal to one another when it is to their interest, but are tyrannical, unjust and cruel to those they govern by rigid military force. Kings unlike presidents are not of and for the people, but look down upon and treat with servile rule, the mass of the people. They compel them to support them in their extravagance and give their lives to fight for them, but refuse to give them real liberty and adequate compensation.

They divide society into two classes the ruler and the ruled and force this distinction through succeeding generations.

The history of the past ten centuries of the European states has demonstrated the utter failure of monarchical governments to preserve peace for any length of time between themselves and to protect the great mass of people from injustice and tyranny. There has been a continual and bloody contest for supremacy and territorial aggrandizement by the different royal families and this will continue for ten centuries more and until these royal and inhuman families are eliminated from their assumed divine right of overlordship over the rest of the human race.

#### THE PASSING AWAY OF ROYALTY.

The Bourbons, the Orleanists, the Bonapartes, the Manchu dynasty, the Braganza dynasty, have been driven from the sphere of royal activity within the last 100 years and republics established to replace them.

The Hohenzollers and the Hapsburgs are fighting their last battles to retain their foothold in Europe, and are liable, like the Bourbons, to be destroyed by the chances of war. They have led their armies to destruction, leaving on the battlefields and among the wounded 2,000,000 of their great armies, and left their government in debt for many billions of money. They

cannot rebuild these armies for many decades and place them on the footing they had before this unprecedented war. Sooner or later they will be called to account by their own burdened and stricken people.

The Ottoman Empire has been almost completely driven out of Europe and weakened materially in many ways.

The world has been dictated to, and at times tyrannized over, by these and other royal families for many centuries.

Now the time has come when the world, which has advanced in civilization and education, will call a halt and the twentieth century will witness the overthrow and disappearance of these dynasties.

## CHAPTER IV.

## THE NEW REPRESENTATIVE DEMOCRACY.

Out of the fiery furnace of the despotic, autocratic and aristocratic governments of the old world came forth, after a fierce struggle, the Democratic Republic of the new.

After Charles the First was beheaded, Cromwell finally agreed to give the people of Virginia all the rights and liberties of free-born Englishmen; they should entrust their business to their own General Assembly and should have as free trade as the people of England.

During the Commonwealth under Cromwell, the Colony took advantage of the times to establish free institutions in her midst. She claimed, and used, the right to choose and to remove her governors and to concentrate power in the House of Burgesses. She was the first state in the world to establish universal suffrage, a privilege which she conferred on every one of her freed servants. She inaugurated free trade and made a great advance toward religious freedom.

The early settlers of New England were greatly favored during the Commonwealth under Cromwell, and their independence taught them the blessings of self-government, which they were not willing to surrender to the Crown when Charles II. came to the throne.

Cromwell, like Lincoln, was a man of the people, and possessed liberal, anti-monarchical views of government. He favored the independence of the American Colonies, and many of his followers emigrated to the United States, both before and after his death.

To show the beginning of our Constitution, the following extracts are given from a speech delivered by Joseph Culbertson Clayton before the New York Order of the Founders and Patriots of America, at the Hotel Manhattan, December 14, 1910:

"In 1643 the four colonies, then known as Connecticut and New Haven, Massachusetts Bay and Plymouth, New Hampshire and Maine, formed a Union styled 'The United Colonies of New England.' There were two commissioners from each colony and six votes were needed for valid action. Their actions

were restricted to affairs that were proper concomitants or consequences of a confederation.

"In Indian affairs, war and peace, chiefly: General expenses to be assessed according to the population; local affairs to be reserved to control of each colony. Provisions were also made for extradition of criminals and fugitive slaves. It exercised treaty powers with the French and Indians; declared and waged war and decided territorial disputes between colonies. Nominally in force for fifty years, its effective life was only about twenty years.

"Then, as now, the Union had to exercise inherent powers for the 'general welfare,' but each colony was paramount in its own strictly local affairs.

"In 1697 Penn proposed an annual congress of two delegates from each colony to provide for the general welfare and to regulate congress.

"In 1754 Franklin's Albany plan for a Union of the colonies was proposed.

"In 1765, through the efforts of James Otis, delegates from nine colonies met in New York to consider their general interests and resist improper taxations by forming a union of colonies.

"In 1774 the first Continental Congress of the delegates of twelve colonies assembled.

"In 1776 Thomas Payne, with matchless vigor, demanded a conference of all the Colonies, to form a continental charter, and to frame the noblest and purest Constitution on the face of the earth.

"On July 4th, 1776, the Colonial Congress of the whole thirteen colonies gave to mankind the noblest Declaration of Independence.

"This was the act of the collective colonies, by their delegates, and was the act of 'one people,' as a whole, and not of thirteen individual colonies; it was the joint act of the entire people as one great body of heirs of English liberty.

"That immortal act converted the crown colonies into independent states, under congressional government until the Articles of Confederation were ratified in 1778-1781."

The American colonies boldly declared that all men are created equal; that all have a natural right to liberty and the pursuit of happiness; that human governments are instituted for the sole purpose of securing the welfare of the people; that the government of George III. had become destructive of liberty; that an appeal to the sword is preferable to slavery, and that therefore the united colonies of America are, and of right ought to be, free and independent States.

THESE MEN PROVED THEMSELVES THE BOLD APOSTLES and martyrs of a new gospel that proclaimed human liberty, and brought forth a new dispensation establishing it upon the divine right of individual independence that was to take the place, in time, of the old dispensation of the divine right of kings. To gain and perpetuate the blessings of this new gospel, thousands of noble lives have been sacrificed upon the altar of liberty. Rich blood, warm with sympathy and devotion to the cause of human freedom, has been profusely shed, that future generations might live and rejoice in the light of a national constitution securing to each citizen life, liberty and the pursuit of happiness.

THE DECLARATION OF INDEPENDENCE was made by men who knew too well the terrors and injustice of the old despotic governments of Europe, hoary with vice and corruption. George Washington, John Adams, Roger Sherman, Robert Livingston, Benjamin Franklin, John Jay, Thomas Jefferson, James Madison, Richard Henry Lee, John Hancock and other leaders of the Revolution understood the inferiority, and utter unfitness for an enlightened people, of a monarchical or aristocratical form of government. They, with a divine inspiration, determined to rid forever and protect one portion of God's green earth from the tyrannical heel of the oppressor and the rule of a privileged class. THEY PROPOSED TO AND DID ESTABLISH upon fresh soil a new empire of freedom—that had long lived in the imaginations of great and liberal minds in France and England—with liberty and human rights as its corner-stone.

#### THE NEW GOVERNMENT.

The convention which made the Constitution of 1787 received its "charter" for that purpose by virtue of the following Resolutions of Congress, passed Feb. 21, 1787:

"Whereas, There is provision, in the Articles of Confederation and Perpetual Union, for making alterations therein, by assent of a Congress of the United States and of the Legislatures of the several states; and

"Whereas, Experience hath evinced that there are defects in the present Confederation, as a means to remedy which, several of the States, and particularly the State of New York, by express instructions to their delegates in Congress, have suggested a Convention for the purposes expressed in the following resolution; and such Convention appearing to be the most probable means of establishing in these States firm, national government:

"Resolved, That in the opinion of Congress, it is expedient that on the 2nd Monday in May next, a Convention of delegates



who shall have been appointed by the several States, be held at Philadelphia, for the sole and express purpose of revising the Articles of Confederation and reporting to Congress and the several legislatures, such alterations and provisions therein as shall, when agreed to in congress, and confirmed by the States, render the Federal Constitution adequate to the exigencies of government and the preservation of the Union." At this important convention everyone used the word "National," "National Executive," "National Legislature," "National Judiciary". The idea was to make a firm nation."

Mr. Clayton says: "Let me speak of the pre-constitutional powers exercised under what may be called the 'unwritten Constitution, prior to the writing of 1787, re-stated by the written Constitution of 1787."

From the first Colonial Congress of 1774, and under the Articles of Association of October, 1774, until the Articles of Confederation of 1778, "in the third year of the independence of America," the government of the United Colonies was purely a congressional parliamentary government. It was not until after July 4, 1776, that the several Colonies assumed to be and actually were organized "States"; and it is to the prior *de facto* existence of that union of colonies that the states as "States" owe their existence. This was the view asserted in Lincoln's first inaugural address:

"The Union is much older than the Constitution. It was formed in fact by the Articles of Association in 1774. It was matured and continued by the Declaration of Independence in 1776. It was further matured, and the faith of the then thirteen States expressly plighted and engaged that it should be perpetuated, by the Articles of Confederation in 1778. And finally, in 1787, one of the declared objects for ordaining and establishing the constitution was to FORM A MORE PERFECT UNION." Lincoln's view is abundantly confirmed by the historical facts of the period involved.

The patriotic and wise founders of a Great Representative Democracy held up before the admiring gaze of the whole world a constitution for the guidance, order, happiness and liberty of a rapidly increasing people, and then stepped aside, with their families, and nobly left it for each generation to carry forward. This has been done for nearly a century and a half, and God grant that it may go on for a thousand. The superiority of this form of government over all others has been fully demonstrated during the past century, by the wonderful accomplishments and progress made in the United States under its fostering care.

The Constitution of the United States, as handed down by its illustrious founders, the members of the Federal Convention, in

1787, was a wisely designed and powerful instrument, far in advance of any former constitution. It had taken years to reach the perfection which it then possessed. Nevertheless, it still contained, unfortunately, several inconsistencies and contradictions, on account of the conflicting opinions of the delegates from the North and the South, and these eventually produced discord, and finally civil war.

It was truly said by Mr. Gladstone before the civil war that "the United States Constitution was the most wonderful instrument ever struck off at a given time by the brain of man." It needed, however, the comprehensive genius and clear understanding of Abraham Lincoln, the final victory of the Union over disunion, and the triumph of the freedom-loving people of America to complete it.

But the American Republic did not spring, fully developed, from the brains of its creators, like Minerva from the brow of Jove. It was, and will be, a creature of growth. First came the Continental Congress; second, the Declaration of Independence; third, the Confederation of sovereign States, and fourth, the Constitution of the United States of America, with its full powers of government, suited to the demands of a NATION.

After the civil war an amended constitution, really suitable for a free people was created.

The original settlers in the American colonies from England derived the elements of civil and religious liberty from the institutions of their mother country.



## CHAPTER V.

## EVENTS LEADING TO THE BIRTH OF A NATION; OR, THE FEDERAL SYSTEM IN AMERICA—THE CONSTITUTION—THE SOVEREIGN POWER.

The first Colonial Congress assembled at New York, October 7th, 1765. Nine colonies were represented by twenty-eight delegates. Timothy Ruggles, of Massachusetts, was chosen President. A Declaration of Rights was adopted, protesting against taxation without representation.

In September, 1774, the second Colonial or Continental Congress assembled in Philadelphia, twelve colonies being represented. During this interval England continued her policy of oppression, and the colonies theirs of resistance. An appeal was sent to the King, and in 1776, the answer of George III. refusing it and treating the petitioners with contempt, was received. He refused to recognize the Continental Congress. He demanded submission and disbandment of the army. The Colonies, however, with George Washington at the head of their forces, prepared to free themselves from the yoke of tyranny, or die in the attempt. July 4th, 1776, the Declaration of Independence was adopted, and the war continued until the surrender of Cornwallis, October 19, 1781, the final treaty of peace being signed Sept. 3, 1783, by all the contending parties.

The Articles of Confederation and Perpetual Union for the government of the sovereign States were signed July 9, 1778, by the delegates of eight States. The same month Georgia and North Carolina affixed their signatures, and those of New Jersey and Delaware were added in February, while Maryland did not sign until March, 1781. This has been called "a loose union of Independent Commonwealths." Both the executive and legislative powers were vested in Congress, composed of two to seven representatives from each state. It had only delegated powers given it by the States, which reserved the sovereign element of power to themselves. It could declare war and establish peace, regulate intercourse with foreign nations, coin money, settle disputed boundaries, and control the public domain. There was no provision made for a chief magistrate or judiciary. It was necessary to have the affirmative vote of nine States to adopt an act

of legislature. The first difficulty arising under this hastily constructed government was the inability of Congress to levy and collect money to pay the war debt of \$38,000,000. There was confusion and instability in the new republic under the articles of confederation, which caused those who had gained liberty and a great country, much anxiety for its safety. In 1785 Gen. Washington and others advised a convention to be called to remodel it. Five states only met the first time, September, 1786, at Annapolis, in Maryland; a report was drawn up and a further convention called the following year, which adjourned to meet in May, 1787, in Philadelphia, at which time all the States, except Rhode Island, were represented. Washington presided. Edmund Yates proposed to set aside the articles of confederation, and adopt a new constitution. This was done, and the new constitution, written by Gouverneur Morris was reported by the committee appointed to review the articles, and adopted September, 1787. It was ratified September 3, 1787, by Delaware; on the 13th by Pennsylvania; on the 19th by New Jersey; on January 2d by Georgia; on the 7th by Connecticut; on February 6th by Massachusetts; on April 28th, 1788, by Maryland; then by South Carolina; on June 21st by New Hampshire; on the 25th by Virginia, after a bitter contest; on July 24th by New York; on November 13, 1789, by North Carolina, and on May 29, 1790, little Rhode Island finally made up her mind to ratify it, and Vermont and Kentucky were added to it. (See Elliott's Debates, Philadelphia, 1861.) In accordance with this constitution, George Washington was elected president, and took his seat in the executive chair April 30, 1789.

"When the United States constitution was formed, Virginia, Rhode Island, and New York expressly reserved the right, it is stated, to secede, when ratifying the constitution. The delegates in Virginia held that the power granted under the constitution, being derived from the people of the United States, may be resumed by them whenever the same shall be perverted to their injury or oppression, every power not granted thereby to remain with them at their will."

This, briefly stated, is the succession of events leading directly to the formation of the representative democracy of the United States on the alleged basis of liberty and equality. It was not, however, in reality a government of that nature until after the subsequent war to put down the rebellion, the freeing of the slaves, September 22, 1863, by proclamation of President Lincoln, and the extension to them of the right of suffrage by the fifteenth amendment to the constitution.

After passing through the careful hands of Alexander Hamilton, James Madison, John Jay, Benj. Franklin and Washington,



opposed and criticised by Jefferson and other anti-Federalists, and after a terrible civil war to preserve its supremacy, and the addition of the fifteenth amendment, ratified by three-fourths of the legislatures of the Federal states, including those amendments guaranteeing religious freedom abolishing slavery, and forbidding the abridgment of suffrage on account of race or color, the *Constitution of the United States* stands today as one of the most complete and masterly state documents the world has yet seen, for sustaining and directing a representative form of government. Its present conspicuous characteristic is its consistent declaration of equality, and its powerful support of individual independence. In these particulars it stands out boldly before the world, in striking contrast to the written and unwritten constitutions and state papers of other nationalities, under monarchical, aristocratic or mixed forms of government. The people living today under its benign influence should, and do, enjoy a freedom and happiness never known in any nation before. They are indebted, in a great measure, after the founders, to the heroes of the war to suppress the rebellion, and to Lincoln and other great statesmen of that eventful period, who maintained the Union and the Constitution.

#### THE CONSTITUTION OF THE UNITED STATES.

It begins: "We, the People of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America." This is a strong root of the grand century plant, placed on the American continent by the early fathers. It is not a contract between sovereign states, like the Constitution of the cantons of Switzerland, which are sovereign states when not limited by the federal constitution, dependent upon their individual wills for its prosperity and the execution of its powers, but it is the fundamental law of the land, and a supreme constitutional sovereignty, the same as if it existed in the person of a never-dying constitutional monarch with strictly defined and limited powers, but subject to a change of powers as provided for therein.

But this sovereign, unlike those familiar to us in history, demands and enforces freedom and equality among his subjects. They are to elect all their representatives periodically, through their universal possession of the elective franchise, and the powers of those representatives are limited and defined. The gov-

ernment is divided into three distinct departments, the legislative, executive and judicial. All the powers of the first are vested in a Congress of the United States, consisting of a Senate and a House of Representatives. The powers of the second are vested in a President of the United States of America, who shall hold his office during the term of four years, and is to enforce the laws of Congress in accordance with the constitution. He is also Commander-in-chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States. The powers of the third are vested in one Supreme Court, and in such inferior courts as Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their office during good behavior, and shall at stated times receive for their services a compensation which shall not be diminished during their continuance in office. Full faith shall be given in all states to the records of every state; citizens of each state shall be entitled to the privileges of citizens in the several states; new territories may be organized and new states admitted into the Union.

"The division of the powers of government among the three departments, executive, legislative, and judicial, rests on the assumption that while no one of them is in itself sovereign and unlimited in authority, yet each is independent of the others."—McClain, page 55.

"By the distribution of the powers of government among several branches, as provided for in the constitution, each of these branches, the legislative, executive, and judicial department of the government, becomes in its respective sphere the immediate and equal representative of the people as the direct source of its depositary of the sovereign power."—Duer on the Constitution, page 26.

Therefore, in this collective body of three distinct departments, all the rays of power of the citizens of the United States should be united and concentrated as in a centre, and form by that perfect union a consistency, splendor and power which should make it feared and respected by all foreign nations and potentates, and honored and obeyed by the people who voluntarily, for their general security, place themselves under its control. This supremacy and power cannot be successfully obtained under a confederacy of sovereign states.

In all governments there must be a supreme and controlling power placed in some particular person, or assembly of persons chosen by the people, as in a republic, or hereditary as in a monarchy from which central point can flow the commands, to do or

not to do certain things for or against the good of all under that government, *or else there is no government.*

This supreme power the Federalists succeeded in placing, after much opposition, in the general government by the adoption of the constitution, and the Federalists for many years nobly defended that ideal constitution and the principles in it, endorsed so earnestly by Gen. Washington, Hamilton, Monroe and Madison. John C. Calhoun used the strength of his gifted intellect in defending, like Jefferson, the position of the anti-Federalists. The idea of state sovereignty was held by the slaveholders of the South, as it gave into their hands the absolute control of the states in which they lived. They could by this means create, practically, little principalities over which they could rule absolutely, and keep in perpetual subjugation the negroes and the poor whites, free from the interposition of the general government. They would soon have stood, if successful in their endeavors to change the constitution, toward a confederacy of states, *the same as the dukedoms and principalities of Germany stood, under an elective monarchy*, towards the Elector's government. Even now, if the control of each state were left in the hands of local politicians and a dominant party in the state, the liberty of citizens would soon be overridden, and a dictatorial and tyrannical home rule established, and the people would have no redress.

In the sixth article and second clause of the Constitution, it says: "This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, *shall be the supreme law of the land;* and the judges in every state shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding." The adoption of this clause, with the rest of the instrument, by the requisite number of states, and finally by all the states, should have put an end to this controversy. Then an appeal to arms being taken and decided in favor of the same principle, that should have settled the matter forever. Anyone can see that when the supreme power is placed in many states, it would naturally be subject to many wills; many wills, if disunited, drawing different ways, create weakness in government; and to unite these several wills, and reduce them to one, is the work of more time and delay than the exigencies of state can afford. Therefore the supreme power to act should be centralized and placed in one central government so that it may act independently and supremely.

## DE TOCQUEVILLE ON THE AMERICAN JUDICIARY.

"The executive power of the federal or state government is necessarily vested in the executive department. Our system of government, however, does not recognize administrative law as superior to the civil law administered by the courts. Executive officers, even the highest, are subject to the law."—(McClain, who refers to A. V. Dickey, *Law of the Constitution*, Chapter V, VI; A. de Tocqueville, *Democracy In America*, Chapter V.)

"The reasoning on which this exercise of power by the courts in the United States is based is the following: The law-making power of the federal or of a state government exercises only delegated authority, and it cannot transcend constitutional limitations imposed upon it; and therefore its acts, when without authority, or in violation of constitutional limitations, are invalid. If such a statute were to be regarded by the courts as a part of the law, binding upon them, then constitutional limitations, transgressed by such a statute, would be of no validity whatever."

"In Great Britain no acts of Parliament regularly adopted can be said to be unconstitutional in the sense of being invalid and without legal effect. The real distinction, then consists in the fact that the government of Great Britain is regarded as possessing sovereign power, while the federal and state governments of the United States possess only such powers as are generally or specifically delegated to them.

"The imperial constitution of Germany contains a bill of rights, but the courts have no power to declare void an unconstitutional law."

"The relation of the federal tribunal in Switzerland to the legislature is unlike that of the Supreme Court of the United States, for it is bound by an express provision of the constitution to apply every law passed by the federal assembly." (See *Constitution, of Switzerland*, Article 113, and A. Lawrence Lowell, *Governments in Continental Europe*, Vol. 2, page 219.)

It is often remarked that no one has explained the American commonwealth to itself so wisely as Mr. Bryce, an Englishman, has done, and it is likewise true that no one has given a more logical and discerning estimate of the working of democracy as example in the United States than the Frenchman, de Tocqueville, in his "*Democracy in America*." The following passage is an example of his clear statement of the functions of the various branches of the government."

"The peace, the prosperity, the very existence of the Union are vested in the hands of the seven federal judges. Without them the constitution would be a dead letter. The executive appeals to them for assistance against the encroachments of the legisla-



tive power; the legislature demands their protection against the assaults of the executive. They defend the Union from the disobedience of the states, and the states from the exaggerated claims of the Union, the public interests against private interests and the conservative element of stability against the fickleness of the democracy. Their power is enormous, but it is the power of public opinion. They are all-powerful as long as the people respect the law; but they would be impotent against popular neglect or contempt of the law. The force of public opinion is the most intractable of agents, because its exact limits cannot be defined; and it is not less dangerous to exceed, than to remain below the boundary prescribed.

"The federal judges must not only be good citizens, and men of that information and integrity which are indispensable to all magistrates, but they must be statesmen, wise to discern the signs of the times, not afraid to brave the obstacles which can be subdued, nor slow to turn away from the current when it threatens to sweep them off, and the supremacy of the Union and the obedience due to the laws along with them."

If the supreme court is to pass a final judgment on all acts of Congress it should do so after the President has signed the bills and before they become published as the laws of the land.

"A clear understanding of the declared supremacy of the federal government, and of the conclusiveness of the interpretation by the supreme court of the United States of the scope of these powers, will indicate that there is no possibility of any conflict between the federal government and the government of a state. If conflicting assertions of authority are to be reconciled by peaceful and lawful means, rather than by the resort to violence, it must be by the recognition of ultimate authority somewhere to determine the controversy; and there can be no reasonable question as to the intention of the framers of the constitution that this ultimate solution would be furnished by the federal government, and that it should be binding upon all." (Emlin McClain, *Constitutional Law in the United States*.)

#### CONSTITUENT AND LAW MAKING POWER.

A. Lawrence Lowell, referring to de Tocqueville's definition of constitution, says: "He meant a perfectly definite thing to which nothing in England conformed." "He had in mind another meaning which is commonly attached to the term 'Constitution.'" It is that of an instrument of special sanctity, distinct in character from all other laws; and alterable only by a peculiar process differing to a greater or less extent from ordinary forms



of legislation." Congress can pass an act and with the approval of the president becomes the law of the land, unless held unconstitutional by the Supreme Court, but Congress has no power to change constitutions. They can introduce a resolution to this effect but it must be passed by two-thirds of the states. This provision should be stipulated in every constitution in a representative government. In nearly every constitutional government there is a different method for changing the constitution, and the change or inauguration of the laws. The constitution is generally held to be the supreme law of the land above all other laws. There is a separation of the constituent and law making powers.

"The famous decision of Chief Justice Marshall, that "An act of Congress inconsistent with the Constitution of the United States must be treated as invalid," was a logical necessity. The Constitution was certainly intended to be a law, and as such it could be enforced by the courts. But if that law came into conflict with another law, an act of Congress, for example, the courts must consider, as in other cases of conflict of laws, which law was of superior authority; and there could be no doubt that the Constitution was the superior of the two." (A. Lawrence Lowell, *The Government of England*, Vol. I, p. 6.)

#### CHIEF JUSTICE MARSHALL'S OPINION.

The authority, therefore, given to the supreme court by the act establishing the judicial courts of the United States, to issue writs of *mandamus* to public officers, appears not to be warranted by the constitution, and it becomes necessary to inquire whether a jurisdiction so conferred can be exercised. The question whether an act repugnant to the constitution can become the law of the land is a question deeply interesting to the United States, but, happily, not of an intricacy proportioned to its interest. It seems only necessary to recognize certain principles supposed to have been long and well established to decide it.

That the people have an original right to establish, for their future government, such principles as in their opinion shall most conduce to their own happiness, is the basis on which the whole American fabric has been erected. The exercise of this original right is a very great exertion; nor can it, or ought it to be frequently repeated. The principles, therefore, so established are deemed fundamental; and as the authority from which they proceed is supreme and can seldom act, they are designed to be permanent. This original and supreme will organizes the government and assigns to the different departments their respective

powers. It may either stop here, or establish certain limits not to be transcended by those departments.

The government of the United States is of the latter description. The powers of the legislature are defined and limited, and, that those limits may not be mistaken or forgotten, the constitution is written. To what purpose are powers limited and to what purpose is that limitation committed to writing, if these limits may at any time be passed by those intended to be restrained? The distinction between a government with limited and unlimited powers is abolished if those limits do not confine the persons on whom they are imposed, and if acts prohibited and acts allowed are of equal obligation. It is a proposition too plain to be contested that the constitution controls any legislative act repugnant to it, or that the legislature may alter the constitution by an ordinary act.

Between these alternatives there is no middle ground. The constitution is either a superior paramount law, unchangeable by ordinary means, or it is on a level with ordinary legislative acts and, like other acts, is alterable when the legislature shall please to alter it.

If the former part of the alternative be true, then a legislative act contrary to the constitution is not law; if the latter part be true, then written constitutions are absurd attempts, on the part of the people, to limit a power in its own nature illimitable. Certainly all of those who have framed written constitutions contemplate them as forming the fundamental and paramount law of the nation, and consequently, the theory of every such government must be that an act of the legislature, repugnant to the constitution, is void.

This theory is essentially attached to a written constitution, and is consequently to be considered, by this court, as one of the fundamental principles of our society. It is not, therefore, to be lost sight of in the further consideration of this subject. If an act of the legislature, repugnant to the constitution, is void, does it, notwithstanding its invalidity, bind the courts, and oblige them to give it effect? Or, in other words, though it be not law, does it constitute a rule as operative as if it was a law? This would be to overthrow in fact what was established in theory; and would seem, at first view, an absurdity too gross to be insisted on. It shall, however, receive a more attentive consideration.

It is emphatically the province and duty of the judicial department to say what the law is. Those who apply the rule to particular cases must of necessity expound and interpret that rule. If two laws conflict with each other, the courts must decide on the operation of each. So if a law be in opposition to

the constitution; if both the law and the constitution apply to a particular case, so that the court must either decide that case conformably to the law, disregarding the constitution, or conformably to the constitution, disregarding the law, the court must determine which of these conflicting rules governs the case. This is of the very essence of judicial duty.

If, then, the courts are to regard the constitution, and the constitution is superior to any ordinary act of the legislature, the constitution, and not such ordinary act, must govern the case to which they both apply. Those, then, who controvert the principle that the constitution is to be considered, in court, as a paramount law, are reduced to the necessity of maintaining that courts must close their eyes on the constitution, and see only the law.

This doctrine would subvert the very foundation of all written constitutions. It would declare that an act which, according to the principles and theory of our government, is entirely void, is yet, in practice, completely obligatory. It would declare that if the legislature shall do what is expressly forbidden, such act, notwithstanding the express prohibition, is in reality effectual. It would be giving to the legislature a practical and real omnipotence, with the same breath which professes to restrict their powers within narrow limits. It is prescribing limits, and declaring that those limits may be passed at pleasure.

That it thus reduces to nothing what we have deemed the greatest improvement on political institutions, a written constitution, would of itself be sufficient, in America, where written constitutions have been viewed with so much reverence, for rejecting the construction. But the peculiar expressions of the constitution of the United States furnish additional arguments in favor of its rejection.

The judicial power of the United States is extended to all cases arising under the constitution. Could it be the intention of those who gave this power, to say that in using it the constitution should not be looked into? That a case arising under the constitution should be decided without examining the instrument under which it arises? This is too extravagant to be maintained. In some cases, then, the constitution must be looked into by the judges. And if they can open it at all, what part of it are they forbidden to read or to obey?

There are many other parts of the constitution which serve to illustrate this subject. It is declared that "no tax or duty shall be laid on articles exported from any state." Suppose a duty on the export of cotton, of tobacco, or of flour; and a suit instituted to recover it. Ought judgment to be rendered in such a case?

Ought the judges to close their eyes on the constitution, and only see the law?

The constitution declares, that "no bill of attainder or *ex post facto* law shall be passed." If, however, such a bill should be passed, and a person should be prosecuted under it, must the court condemn to death those victims whom the constitution endeavors to preserve?

"No person," says the constitution, "shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court." Here the language of the constitution is addressed especially to the courts. It prescribes, directly for them, a rule of evidence not to be departed from. If the legislature should change that rule, and declare one witness, or a confession out of court, sufficient for conviction, must the constitutional principle yield to the legislative act?

From these, and many other selections which might be made, it is apparent that the framers of the constitution contemplated that instrument as a rule for the government of courts as well as of the legislature. Why otherwise does it direct the judges to take an oath to support it? This oath certainly applies in an especial manner to their conduct in their official character. How immoral to impose it on them if they were to be used as the instruments, and the knowing instruments, for violating what they swear to support!

The oath of office, too, imposed by the legislature, is completely demonstrative of the legislative opinion on this subject. It is in these words: "I do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich; and that I will faithfully and impartially discharge all the duties incumbent on me as———, according to the best of my abilities and understanding, agreeably to the constitution and laws of the United States."

Why does a judge swear to discharge his duties agreeably to the constitution of the United States if that constitution forms no rule for his government—if it is closed upon him, and cannot be inspected by him? If such be the real state of things, this is worse than solemn mockery. To prescribe or to take this oath becomes equally a crime.

It is also not entirely unworthy of observation that in declaring what shall be the supreme law of the land the constitution itself is first mentioned; and not the laws of the United States generally, but those only which shall be made in pursuance of the constitution, have that rank. Thus, the particular phraseology of the constitution of the United States confirms and strengthens the principle, supposed to be essential to all written constitu-



tions, that a law repugnant to the constitution is void; and that courts, as well as other departments, are bound by that instrument. (*Marbery vs. Madison*, 1 *Crouch* 137, Dec. 1803.)

#### LINCOLN AND THE DRED SCOTT DECISION.

A close study of the speeches of Abraham Lincoln, during his contest with Judge Douglas in 1858, will show that he criticised the Dred Scott Decision as severely as Roosevelt has some of the decisions of the Supreme Court today in the Standard Oil and Tobacco Trust cases. He was not afraid to arraign Chief Justice Taney before the bar of public opinion.

He said: "I now repeat my opposition to the Dred Scott Decision—If I were in Congress and a vote should come up on a question whether slavery should be prohibited in a new territory, in spite of the Dred Scott Decision, I would vote that it should."

"The sacredness that Judge Douglas threw around this decision, is a degree of sacredness that has never been thrown before around any other decision".

"A National Bank was declared unconstitutional—then General Jackson (who was president) said that 'the Supreme Court had no right to lay down a rule to govern a co-ordinate branch of the government, the members of which had sworn to support the Constitution,—that each member had sworn to support the Constitution as he understood it.'"

"We think the Dred Scott decision is erroneous. We know the court that made it has often over-ruled its own decisions, and we shall do what we can to have it overrule this". "We offer no resistance to it".

"Chief Justice Taney insists that negroes were no part of the people who made, or for whom was made the Declaration of Independence, of the Constitution of the United States. On the contrary, Judge Curtis, in his dissenting opinion, shows that in five of the then thirteen states free negroes were voters."

The election of Lincoln, for whom I voted, was a protest against the Supreme Court decision in the Dred Scott case. The result was that slavery was never extended into the territories, and this decision was annulled by the will of the majority, carried out through Abraham Lincoln in the war for the Union against the secessionists.

Later the Constitution itself was changed after a great Civil War, and negroes were given the right of suffrage and given the liberty of moving about anywhere in the United States.



The people will continue to express and carry out their will in reference to all issues that affect their interests. Neither Canadian nor English courts can set aside legislative acts.

Some say the people are not competent to rule themselves in the United States through the right of universal suffrage, or be trusted with a referendum, but it so happens that the people now have universal suffrage and who is going to take it from them? They are sovereign and will fight for the rights they now possess and hold them as firmly as those who have vast estates will hold them.

The people will continue to express their will in reference to all present and future questions that affect them. The trusts and the high tariff for special interests will be met by them in one way or another and their purpose will not be thwarted by courts or legislative bodies which misrepresent them.

The right of the extension of slavery into the territories of the United States and other questions relating to this incident should have been submitted by the referendum to the citizens of the entire country, who alone possess the sovereign power. If they had decided in the negative that would have settled the case and prevented the civil war. This would have been the method used in Switzerland, where the referendum and initiative are institutions which are considered the powerful weapons of democracy.

A mere majority of the judges of the Supreme court should not have the right to take away or nullify the sovereign power of the people expressed through congress, as was attempted in the Dred Scott decision.

The entire question of high tariff and the right of powerful trusts to combine and destroy competition and override the will of the people should now be submitted to the citizens of the United States by referendum.

THE "GRANDFATHER CLAUSE"—LITERARY DIGEST, JULY 3, 1915.

Despite the fact that the Supreme Court decisions in the Oklahoma and Maryland "grandfather-clause" cases are declared by the New York *Evening Post* (Ind.) to "mean as much forward as the Dred Scott case did backward," and are generally regarded as an epochal victory for the colored citizen, we are reminded by more than one paper that they do not actually give the vote to one negro who does not possess it already. What they do, however, is to strike at discrimination in certain Southern States by taking away the franchise from illiterate whites who have

hitherto been exempted from educational or property tests to which all negro voters had to submit. The Fifteenth Amendment of the Constitution of the United States provides that "the right of the citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color or previous condition or servitude," and the so-called "grandfather clause" is one of many devices resorted to by Southern States to evade this law. The plan, in a nutshell, is to permit a special exemption from property or literacy tests to descendants of persons who could vote before the Fifteenth Amendment was adopted. The unanimous opinion of the Supreme Court, handed down by Chief Justice White, himself a Southerner and a veteran of the Confederate Army, now declares this device unconstitutional because it "recreated the very conditions which the Fifteenth Amendment was intended to destroy." In full agreement with Chief Justice White were two other Southerners—Justice Lamar and Justice McReynolds.

"Those States which now have this 'grandfather clause' in their constitutions or their laws must either enforce the literacy test against whites as well as negroes, or broaden their voting qualifications," notes the *New York Herald* (Ind.). But the *New York Sun* (Ind.) assures its readers that "the political hue of the South will remain white," and that this decision "will not deliver any State government to the negro race." "It is conceivable," the same paper adds, "that in some communities the exclusion of black men's votes will be less complete in consequence of the decision, but the practical effect will be of no moment." The *New York Times* (Ind. Dem.) recalls how negro rule in a section of North Carolina was overturned by a white mob in a riot in which twelve negroes and three white men were shot. "Order and the white man," it adds, "have reigned in North Carolina ever since."

"This incident, the last of the kind which was of any great importance, is referred to here to show how persistent is the legacy of crime and violence left by the misguided 'statesmen' of reconstruction. The white man will rule his land. The only question left by the Supreme Court's decision is how he will rule it."

Even so old and loyal a champion of the negro as the *New York Evening Post* expresses "sympathy with the South in the efforts it will now have to make to adjust itself to the new conditions," but it holds that "if we are in peril from an ignorant vote, the remedy is not to suppress it, but to be just and fair to it and to educate it," so that "a mighty impulse to the already powerful movement for better common-school education in the South ought to follow the Supreme Court decision."

Turning to the Southern press, we find very little excitement. Thus the Norfolk *Virginian-Pilot* (Dem.) remarks that the Supreme Court could not have arrived at any other conclusion "unless prepared to set aside the Fifteenth Amendment"; while the Richmond *News Leader* (Dem.), after admitting that the decision "may be a temporary embarrassment," adds:

"It will certainly be a permanent benefit in that it shows the line a State may follow in restricting its franchise. The future of the ballot in the South is made plainer."

Says another Richmond paper, *The Times-Despatch* (Dem.):

"The clause, in the main, was a concession to the illiterate white voter, and to that extent placed a premium on ignorance. It may be that Southern States will have to abolish that premium, by which outcome of the long litigation they should not now be moved to special anguish.

"The old-style 'grandfather clauses' have served their purpose — necessary in their day, but no longer vital to the South's protection. It is just as well they are to pass."

The Baltimore *News* (Ind.) criticizes Oklahoma and Maryland, "States in which there is no serious negro-problem," for "stirring up once more the quarrel over negro suffrage in the South." Summing up in the Oklahoma case, Chief Justice White said, in part:

"There seems no escape from the conclusion that to hold that there was even possibility for dispute on the subject would be but to declare that the Fifteenth Amendment not only had not the self-executing power which it has been recognized to have from the beginning, but that its provisions were wholly inoperative because susceptible of being rendered inapplicable by mere forms of expression embodying no exercise of judgment and resting upon no discernible reason other than the purpose to disregard the prohibitions of the Amendment by creating a standard of voting which on its face was in substance but a revitalization of the conditions which, when they prevailed in the past, had been destroyed by the self-operative force of the Amendment.

"We are unable to discover how, unless the prohibitions of the Fifteenth Amendment were considered, the slightest reason was afforded for basing the classification upon a period of time prior to the Fifteenth Amendment."

VISCOUNT JAMES BRYCE ON THE UNITED STATES CABINET.

The Hon. James Bryce says: that.

In the government of the United States there is no such

thing as a cabinet in the English sense of the term. He calls attention to the remarkable difference which exists between the great officers of state in America and the similar officers in the free states of Europe."

There could be no harm in giving the members of the cabinet seats of the House or the Senate, and permitting them to participate in the debates in Congress so that they could give their opinions direct in either house on questions relating to their several departments.

In most constitutional governments in Europe, if the ministry is in conflict with the popular branch of the legislative department it resigns and a new ministry is chosen, or the house dissolves and another election is held. This enables the will of the people to be carried out. It surely is more expedient to change the ministry than to wait for a regular election of a president who chooses his cabinet, when the new administration is expected to carry out the popular demand expressed by his election.

As I have already observed, we in Great Britain, are in reality far more of a democracy than you are. The will of the people declared in an election of the members of the House of Commons, is able to act more quickly, more promptly, with a more tremendous and compelling force in Britain than it can be here.

I have another and a far brighter vision before my gaze. It may be but a vision, but I will cherish it. I see one vast confederation, stretching from the frozen North in unbroken line to the glowing South, and from the wild billows of the Atlantic westward to the calmer waters of the Pacific main; and I see one people and one language and one face, and one law used over all that wide continent, the home of freedom, and a refuge for the oppressed in every race and in every clime.

He says: "The separation of the legislative and executive departments has been carried too far by the custom which does not allow the ministers of the president access to the floors of Congress to speak and to be interrogated there. It is not a part of the constitution, and Congress has therefore the power at any time to alter it if it should think fit."

Switzerland, like you, does not permit the members of the administration, which there consists of a body of seven persons called the Federal Council, to be elected to and sit in either house of its federal legislature; but it permits them and encourages them to be present in either house, and when I have attended the debates of the federal legislature in Switzerland, I have seen the members of the Federal Council, sometimes in one house and sometimes in the other interrogating and answering questions."



The Swiss government, take it all in all, seems to be the most successful and one of the most stable among the democratic governments of the world and could not possibly work as smoothly and as successfully as it does work, but for this practice. The plan of admitting cabinet ministers to speak in Congress has been recommended by many of your own statesman, as for instance, by President Garfield."

"Any proposal for the admission of cabinet ministers to the floor of either House, to be questioned there and to speak there, well deserves to be considered as a possible improvement in the conduct of business by Congress. Our English system—what we call our cabinet and parliamentary system—is no doubt far more prompt, in a far more effective way of bringing the will of the people to bear upon the government than your system here."

"Congress cannot exercise any power not granted to it by express grant or reasonably implied from the powers which are granted."—(McClain, who refers to T. M. Cooley, Constitutional Law, Chapter VI, Paragraph 15.)

BRITISH SYSTEM NOT PRACTICAL, HERE—LANE.

A press dispatch says: Replying to American exponents of the British system of giving cabinet officers seats in congress, Franklin K. Lane, secretary of the interior department said that in his estimation the scheme was neither "practicable nor advisable."

"Speaking for myself," said Secretary Lane, "I would not have the time to use my seat in congress if I had one. Cabinet positions in America are purely administrative positions as opposed to those in England, where the supervision of the various departments is mostly carried on by under-secretaries.

"As the situation is now, we cabinet officers have all the opportunity desired to make clear our ideas and wishes to congress. In the first place, the recommendations in our annual reports state our positions to congress as clearly and forcibly as we could state them if we addressed the members from the floor of the chamber; in the second place, we have ample opportunity to appear before the congressional committees and speak on any measure within our province.

"In addition to that, all bills concerning our respective departments are submitted to us as soon as introduced for the purpose of getting our opinions on them. During the last session of congress I wrote reports on 3,000 bills thus submitted. You can realize that I would have hardly had time to make three thousand speeches for or against them.



"Looking at the proposition from the point of view of the congressmen and senators themselves, I do not believe they would favor the plan. I believe that the distinction between administration and legislation, as now recognized, is what they would continue to favor and insist upon."

#### THE POWER OF THE EXECUTIVE.

The President must act within the jurisdiction of the executive department of the government. He has the initiative, for through him, measures of importance are brought before Congress in his messages, and when the party he represents is in the majority in both houses these bills are generally passed. He cannot, however, encroach upon the legislative or judicial branches of the government beyond his delegated powers. The President can be impeached and removed from office as provided for in the constitution. Under the recall, if adopted, the people would have the power to remove the President if he violated the powers granted him by the constitution, or for any other good reason, and could choose another president. In this case, the president should be elected for eight years instead of six or four, and limited to one term. This would prevent a repetition of the experience of Rome under the consuls and France under Napoleon III., or the United States under the administration of Andrew Johnson.

The president is at the head of the military forces; he represents the national government in its relation to foreign governments: he participates in legislation by exercising the power of approving or vetoing bills passed by Congress and he is vested with the power of pardon.—(Constitution, Art. II.)

"Going back to the founders of the constitution, Jefferson held that "the constitution gave too much power to the president and endangered the rights of the states. Hamilton considered the constitution not sufficiently strong and effective and that it should be construed and administered in such a manner as would increase the power of the president." There existed much personal antagonism between these two members of Washington's cabinet, but he held a high opinion of both men."

#### THE REFERENDUM.

A. Lawrence Lowell states in his work on Governments of Europe, page 248, that "the Referendum has acted like oil upon the troubled waters for the last twenty-five or thirty years in Switzerland and that the course of politics in the can-

tons has been much smoother than it was before: and although this result was by no means always coincident with *the adoption of the referendum* and must be attributed to the attainment of skill in the art of self-government on a large scale, it is also due in a part to the fact that the referendum, by putting an end to doubts about the real opinions of the majority upon disputed questions, has removed at once a mass of agitation and a source of discontent."

McClain, on Referendum, page 10 and 11 says: "These methods of securing or determining upon specific legislation have been for a long time known and applied in Switzerland and recently, by constitutional provisions in South Dakota (1898) and in Oregon (1902).

"It is still open to discussion, notwithstanding the attempts to introduce the initiative and referendum, whether the exercise of the powers of government by the people through the electoral body is not in violation of the provision of the federal constitution (Article IV., Section IV.) that each state shall have a republican form of government, for it may well be contended that a republican form of government necessarily involves the exercise of the powers of government by representative officers and bodies, and the distribution of the powers of the government among distinct and independent departments."

"It may be suggested that such a radical change in our theory of government is of doubtful expediency and to be considered in all its bearings and with a view to all its possible consequences before it should be accepted."

"In all the states except Louisiana, the common law system, that is, the English system of law, is recognized as in force, so far as consistent with the institutions and conditions under which we live; while in that state the prevailing system of law is that known as the civil law, as embodied in the code of Napoleon, which was in force in France at the time the Louisiana territory was acquired by the United States."—(McClain, page 253.)

All the laws, this code, and the statutes of the different states, and of the federal government, should be regulated and made general and harmonize throughout the entire domain dominated by the United States government.

#### THE CIVIL CODE IN SWITZERLAND.

The Swiss nation, through the means of a referendum, adopted the principle of unification of all cantonal legal systems, civil and criminal, in a set of federal codes, enacted in 1898.

"Through more than a decade the task has been in progress,

drafts being prepared by experts and submitted from time to time for criticism to a special commission and to public opinion. Early in 1908, the assembly adopted an elaborate civil code which in this way had been worked out. In January, 1912, this monumental body of law was put in operation. By it many long-established practices within the individual cantons were abolished or modified; but the humane and progressive character of the code won for it such a measure of public approval that there was not even demanded that the instrument be submitted to a referendum."—"The Governments of Europe," by Frederic Austin Ogg.)

#### STABILITY OF OUR CONSTITUTION.

The constitution of the United States stands today a strong and consistent charter of national rights suited to the requirements of a great and enlightened representative government.

One prominent fact has been demonstrated by the civil war, which is: that a nation composed of a group of states, held together by a constitution under a representative republican form of government, is able to maintain and did maintain its integrity and perpetuity, through the greatest civil war known to history. Abraham Lincoln said in his message to Congress, July 4, 1861: "This issue embraces more than the fate of the United States. It presents to the whole family of man the question, whether a constitutional republic or democracy,—a government of the people, by the same people—can or cannot maintain its territorial integrity against its own domestic foes. It presents the question whether discontented individuals, too few in number to control the administration according to organic law in any case, can always, upon the pretense made in this case, or any other pretense, or arbitrarily without any pretense, break up their government, and thus practically put an end to free government upon the earth. It forces us to ask: 'Is there, in all republics, this inherent and fatal weakness? Must a government, of necessity, be too strong for the liberties of its own people, or too weak to maintain its own existence?'" Every step taken by Lincoln and Congress was strictly constitutional, including the Emancipation Proclamation as a war measure, and the order revoking the writ of habeas corpus in the Vallandigham and other cases. Also the insistent denial of the right of the states to secede.

Abraham Lincoln, like William H. Seward, Edwin M. Stanton, Salmon P. Chase, Lyman Trumbull, and many other prominent Unionists, both in and out of office, desired to change the

constitution so that it would be consistent throughout, and not only make the declarations contained in the preamble consistent, but to enforce the principles contained in it practically by doing away with slavery.

This was finally accomplished as a result of the victory of the Unionists over the Secessionists, which preserved the integrity of the Union. The Thirteenth, Fourteenth and Fifteenth Amendments were added to the constitution finally, and ratified by a sufficient number of the states. To accomplish this, however, cost the country several billion dollars in money and property, and several hundred thousand lives of American citizens, both North and South, in a bloody and fratricidal war.

#### WASHINGTON'S FAREWELL ADDRESS.

Washington in his farewell address urged the "perpetuity of the union of the government, a main pillar in the edifice of real independence, the support of tranquility at home, peace abroad, safety, prosperity and liberty." He tells his own and all future generations living after him under this government: "Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment. The unity of government, which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the real edifice of your independence—the support of your tranquility at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so much prize."

"The basis of our political system is the right of the people to make and to alter their constitutions of government. But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the rights of the people to establish government, pre-supposes the duty of every individual to obey the established government."

UPON THESE FUNDAMENTAL PRINCIPLES, and others not enumerated, contained in the constitution as it now exists with its recent amendments rests this structure of national independence, order and grandeur.

The three departments, then, of this representative democracy are, the executive, the legislative, and the judicial. The first and last are far more limited than the second, which is given an almost unlimited power, being able to control the laws, institutions, and public policy of the country in all matters coming within the range of subjects entrusted to its care.

The powers of the executive are strictly marked and defined, while the judicial powers are limited to the administration of private and public justice. Yet, although the legislative power is thus less limited, it is more directly moved and governed by the people, and is continually changing in its membership. It is connected by strong ties to every section of the country, and interested in every quarter, and therefore it is a safe depository of the aggregate power of the government."

Having considered some of the grand principles which are contained in our constitution, and contrasted them with the principles of other governments less favorable to liberty, every one must admit the vast superiority of our *representative democracy, or republic*, as often called, over a monarchy, hereditary or elective, or absolute, or an aristocracy, or oligarchy, or a mixture of the three principle forms of government.

Of course there are defects, for human governments cannot yet be made perfect, but with the recent amendments to our constitution some of the alleged errors have been eliminated, and we glory in a government which grants to ALL equal rights and privileges; and in our petitions to the Almighty Giver of all bounties, we should pray that He preserve to us, and to future generations, a national government blessed with such exalted and beneficial principles, until He shall establish His perfect government upon the earth!



## CHAPTER VI.

## THE NATION AND THE STATE.

In referring to the early patriots who formed the constitution, Frederick Howe says in his book, "Privilege and Democracy," that "America is ruled by the political ideas of our grandfathers. The Temple of Delphi was scarcely more sacred to the ancient Greeks than the Federal Constitution is to us. Criticism is almost sacrilege. Yet a recent examination of the circumstances surrounding its adoption shows that the federal constitution was not intended to be a democratic instrument. It was not designed that the people should rule."

"The reactionary spirits who had taken part in the revolution obtained control of the constitutional convention and impressed their will upon that body; and, as later interpreted by the courts, the constitution has become even more reactionary than its language imports or its makers designed. It was this veneration for perpetrated wrong that continued negro slavery far into the nineteenth century."

It was undoubtedly this which prompted Article VIII, Section VIII in the Constitution, which says: "No person held to service or labor in one state, under the laws thereof, escaping into another, shall in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due." This clause was in direct conflict with the preamble of the constitution which states that:

"We, the People of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the *blessings of liberty* to ourselves and our posterity, do ordain and establish this constitution for the United States of America."

Nothing could have been more certain to disturb the domestic tranquility of the country than Article VIII, Section VIII, the antithesis of the preamble. Lincoln was determined to remedy this defect forever. He designed to restore to the South the rule of the leading social and political classes, and he also divined as they had the undoubted right to, that they would restore slavery. So he was determined to have constitutional amendments,

which would correct this and abolish slavery forever. His administration was, by its action, pledged and when the amendment to abolish slavery was being considered in Congress and two votes of the requisite number of the lower house were needed, he showed his firm decision to remedy such a defect in the constitution. "At that critical juncture, the imperious and arbitrary will of Abraham Lincoln," says Mr. Whitney, in his "Life of Lincoln," page 124, "was made manifest. "He was bound that that measure should be passed at all hazards, and he sent for two members of Congress, representing the two divisions of political sentiment, and said to them impressively and emphatically, 'I am President of the United States and possessed of great power, and that measure *must* pass,' and it was done."

The undemocratic, tyrannical, and despotic clause above referred to in a constitution drawn for a republic claiming to secure the blessings of liberty, was finally superseded by the Thirteenth Amendment, which says that: "neither slavery nor involuntary servitude, except as a punishment for crime whereof a party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."

#### LIMITATIONS OF THE POWERS OF THE FEDERAL GOVERNMENT.

The result of the limitation of powers granted the United States government is, that it is in a great measure prevented from exercising jurisdiction over many sections of the country except under limited power. The great territories obtained from Mexico and through the Louisiana purchase were divided into states and then handed over to independent state governments. The United States afterwards, as nominally a sovereign nation, surrendered in a measure its control over these states. The result has been that in the states of the South, West and Northwest, there are large sections of country entirely out of the direct control of any well-organized local government, for some of these districts are not capable of organizing a government with their scattered population competent to govern as well as the more mature and well-regulated federal government, or older states.

The state passes its authority in many cases over to counties and towns, some of which do not contain citizens capable of running a good local government. Therefore, some of these districts are often neglected and have inefficient educational facilities or insufficient police protection. "The police power lies within the great body of powers reserved to the states and not

conferred upon the federal government." Therefore, the federal government cannot interfere.

Great mining companies and railroad corporations, occupying or traversing these outlying districts, sometimes override all opposition or by corrupting local officials, assume a dictatorial power and govern the locality to suit themselves.

In case of riots, strikes, the unlawful authority exercised by large mine-owners in isolated districts, or the unlawful combinations of employees, where the state or county officials do not or cannot maintain order expeditiously and efficiently, then this anarchy and usurpation of authority should be regulated by the federal government immediately and directly, regardless of state rights.

The people of a city, a town, a county, or a state in outlying districts such as the Cumberland, the Blue Ridge and other sparsely inhabited mountainous regions or vast tracts of sparsely occupied country in the far West or South, if not protected sufficiently by the local government, should be given all necessary relief at once by the central government. All barriers of state rights, which would ordinarily interfere with the action of the federal government in such a case should be removed through a constitutional amendment, covering such cases. This power, however, is not granted now to the general government under the constitution except in a limited degree, but retained by the states. Consequently if anyone of the states or counties falls into the hands of corrupt or inefficient officials, the people have no immediate remedy.

Vast tracts of rich alluvial lands were given to the state of Louisiana by the government for educational purposes, which were recklessly given away for a mere trifle, some at twelve and one-half cents per acre, instead of being retained by the state, and sold at a fair price, or reclaimed, thus obtaining a large fund, which could be used for the education and betterment of the entire people in the state or given partly to liberated negroes.

#### MORMONISM GETS A JOLT AT CAPITAL.

Mormonism was denounced at Indianapolis as a peril to the nation. Senator Frank J. Cannon of Utah addressed an audience in the Meridian street M. E. church as a part of the national movement directed against the Mormon church. Cannon, who is himself a Mormon, declared that "if the United States does not do something to the Mormon kingdom, then the Mormon kingdom is going to do something to the United States."

The polygamous life of the Mormons drew a bitter denuncia-

tion from Senator Cannon. He said it was the basis of their religion.

He said that the Mormons were dealing in "big business" and that their political power was the greatest menace to the nation. "Fifty-two years ago Abraham Lincoln tried to break the growing power of the Mormon church, but he died before much had been accomplished. Today the Mormons are ten times stronger."

He said the nation did not attack religious liberty but desired the church to live up to the treaty made between it and the nation.

When Utah was a territory the federal government passed a law prohibiting polygamy, but now that it is a state the United States government loses its control.

The Mormons were isolated for years in a vast territory where they gained absolute control, and built up a government within a shadow of a government on American soil, entirely out of harmony with our institutions. They transplanted the polygamous practices of an ancient Asiatic barbarism to the virgin soil of the western continent. The power thus accumulated without sufficient opposition has grown to gigantic proportions, and now stretches through many of the western states, preventing those states from being occupied by those who are in accord with the civilization of the eastern states. The United States government, as the supreme power over the United States, should have a system of control, which it is denied by the express terms of the constitution, as well as by the state constitutions.

There often come to the front little local despots, who forget or defy any existing local inefficient government, and attempt to rule over large sections of country backed by their henchmen. Without any restraint from any higher supreme government they dominate a wide domain without interference. This is all detrimental to individual liberty.

There are instances where the general government does interfere in cases affecting interstate commerce; but the limitations are too great to enable it to act in many other cases.

#### STATE AND NATIONAL CONTROL.

McClain, in "Constitutional Law of the United States," states in paragraph 19 that: although, as compared with state government, the federal government is one of limited and enumerated powers, it does not follow that it is in any way inferior or subordinate to a state government. On the other hand, its very nature and the purpose for which it was created indicates that in the exercise of the powers granted, either expressly or by implication, it must be supreme. In



expounding Article 6, paragraph 2 of the federal constitution above quoted, it has been said: "If any one proposition could command the universal assent of mankind, we might expect it would be this: that the government of the Union, though limited in its power, is supreme within its sphere of action. This would seem to result necessarily from its nature. It is a government of all, its powers are delegated by all; it represents all, and acts for all. Though any one state be willing to control its operation, no state is willing to allow others to control it. The nation, on those subjects on which it can act, must necessarily bind its component parts." (Marshall, Ch. J., in *McCulloch v. Maryland*, 4 Wheaton, 316, 405). One of the functions of the federal judiciary, one department of the federal government, is to determine ultimately the construction of the federal constitution with reference to the powers of the federal government. (T. M. Cooley, *Constitutional Law*, Chapter VI. *The Federalist* Nos. 81-83. Hamilton in *Federalist*.) "The standard of good behavior or the continuation in office of the judicial magistracy is certainly one of the most valuable of the modern improvements in the practice of government. In a monarchy, it is an excellent barrier to the despotic prince: in a republic, it is no less an excellent barrier to the encroachments and oppression of the legislative body."

It has been stated that: "The people of this country are coming to the conclusion that in certain important respects, the local laws of the separate states which were adequate for the due and just regulation and control of the business which was transacted, and the activity which began and ended within the limits of the several states, are inadequate for the due and just control of the business and activities which extend throughout all the states, and more power of regulation and control is gradually passing into the hands of the national government."

CHIEF FORESTER HENRY S. GRAVES DRAWS FAVORABLE COMPARISON  
BETWEEN THE RESULTS IN THE DOMAINS UNDER AMERICAN  
JURISDICTION AND THOSE IN PRUSSIA.

Henry S. Graves, chief forester of the Department of Agriculture, has recently made a comparison between the forestry work of the United States and of Prussia, and the comparison is not to the discredit of the United States, considering the newness of the work here and the vastness of the field, in contrast with a century of well-directed effort in the relatively small field in Prussia.

"It must be remembered," says Mr. Graves, "that the Prussian



forests have been under an extensive forest administration for more than 100 years. They are gridironed with roads and trails and fire lines, which have been gradually developed through a long series of years. We are following the same general system in this country on a much larger scale, but of course we cannot hope to get anywhere near the same efficiency until the country is more fully developed.

"When we succeed in getting our agricultural land—strips scattered throughout the forests—settled and a large number of people in the forests utilizing them, we are not only going to have a better utilization of agricultural areas, but the forests will also be better protected."

Asked if there is as much litter on the ground in Prussian forests as there is in the forests of the United States, Mr. Graves replied in the negative.

In many states forests of incalculable value have been permitted by the local government to be destroyed by forest fires. Private parties owning large timber tracts have cut down the forests, leaving large barren surfaces. These should have been replanted, the same as is now done by the order of the German states in Germany, but the states where they are located here have allowed these tracts to remain destitute of trees, and the result has been that it has brought about a scarcity of rain, which has been disastrous not only to the state where the mischief originated, but to the adjoining states, which could not interfere.

MR. H. S. SACKETT, CONSULTING TIMBER ENGINEER, CHICAGO, ILL.,  
CONTRIBUTES THE FOLLOWING ON FOREST TAXATION IN THE  
UNITED STATES, AND THE LAWS.

Timber lands are taxed today under the general property tax in every State and continental Territory of the United States, generally in exactly the same manner as other kinds of wealth. In only twelve States is any special consideration given to timber lands in the tax laws. (Alabama, Connecticut, Iowa, Maine, Massachusetts, Nebraska, New Hampshire, North Dakota, Rhode Island, Vermont, Washington, and Wisconsin. Four other States (Illinois, Kansas, Minnesota, and Wyoming) make provision for bounties for timber planting and cultivation, though these bounties have no connection with the taxation of the land or trees. Two States, (Massachusetts and Vermont) included, however, in the first group mentioned above, attempt to encourage the planting and cultivation of trees by offering prizes, without any reference to taxation. In all of the other thirty States and in the two Territories timber lands receive no special consideration.

### I. TAX EXEMPTIONS AND REBATES, AND BOUNTIES DEDUCTED FROM TAXES.

The twelve States where tax laws make special reference to timber lands attempt to encourage the planting and cultivation of trees or the general practice of forestry by certain concessions in taxation. These concessions take the form of entire or partial exemptions from taxation, of rebates of part of the taxes, or of bounties to be deducted from the taxes. The method usually employed is that of exemption. The plan of a rebate is used by New Hampshire; North Dakota uses bounties, while Wisconsin uses both exemptions and bounties. These exemptions, rebates, or bounties are granted to owners of timber lands in consideration of the planting, cultivating, growing, or protecting of trees, usually in accordance with regulations specified in the statutes, or under the direction of some state officer or board. In eight of the States the law applies only to plantations, and in five States the land must not be wooded at the time of planting or growing the trees. In one State—Connecticut—the exemption applies only to land “not theretofore woodland.”

The commonest form of tax concession consists of a complete exemption from taxes on the land and trees for a definite period of time, ranging from five to thirty years. The exemption begins either immediately after the land has been planted or set aside for the growth of trees, or after a certain period, measured either in years or in the growth of the trees.

In other States the concession is by means of a rebate of part of the taxes for a certain number of years (New Hampshire) (Pennsylvania's rebate laws have recently been declared unconstitutional) or by means of a bounty of so many dollars per acre to be deducted annually from the taxes on the land. (North Dakota and Wisconsin).

In other States the exemption applies to the value of the trees only. (Nebraska and Washington).

Iowa grants partial exemption to forest and fruit tree reservations by an arbitrary assessment of the land at \$1 per acre. (Indiana formerly had a similar law, but it has been declared unconstitutional.) Iowa also exempts from assessment the value of all planted trees.

### II. BOUNTIES WITHOUT REFERENCE TO TAXATION.

In four States the attempted encouragement to forest planting and cultivation is by means of bounties having no connection with taxation. Strictly speaking, these laws do not belong in a

study of taxation. However, since their general purpose is the same as the tax laws described above, and since they have some other points of resemblance to those laws, it has seemed worth while to mention them here for the sake of completeness. In only one of these cases (Minnesota) is a bounty actually offered by the State. The other three States merely give permission to the county commissioners to offer limited bounties.

### III. PRIZES.

For the sake of completeness we also mention the two States which provide by law for the offering of annual prizes to encourage the planting and cultivation of trees. The competitions are administered and the premiums granted through associations devoted to agriculture, etc., in the State, and funds are appropriated annually by the State for this purpose. In Vermont the laws applies to maplesugar products.

### IV. CRITICISM.

None of these schemes of exemptions, rebates, bounties, and prizes has touched the real problem of forest taxation. Obviously, laws giving occasional small prizes for the best examples of tree plantations, hedge fences, etc., can have no far-reaching effects on the burdens of taxation. The same is true of the bounty laws of Illinois, Kansas, and Wyoming, which merely permit the several counties to grant small bounties for a few years. The Minnesota bounty law is the only one that has produced any results. Up to 1906, \$440,000 had been spent by the State for this purpose, as a result of which it is claimed that some 50,000 acres have been forested. If this result has indeed been accomplished it has been at a tremendous cost. Evidently we will not find a solution to the problem here.

Something more might perhaps be expected of these laws which really gives some abatement of the burden of taxation by means of exemptions, rebates, and bounties. Yet here also we find that practically no results of importance have been produced. Massachusetts has had an exemption law in force ever since 1878. A legislative committee in 1906 reported that this law has been a failure, as practically no planting has been done under it." One of the members of this committee reports that he could find only 16 acres in the State that had been effected by the law since 1878. With regard to the rebate law of New Hampshire, the state forestry commission reports that "This abatement provision, although three years old, is not widely known among land owners, and has so far been inoperative." In Connecticut, the

exemption law has been similarly ineffective. Similar reports come from the other States where these schemes have been in operation long enough to have produced any results. The conclusion that these laws have produced no important results is confirmed by the testimony of all who have investigated the subject.

This lack of results may be explained in part by certain very important defects in these laws. In the first place, the common restriction of the tax abatement to plantations, and the further restriction in many cases to land other than woodland, in large measure destroy the usefulness of the laws at the very beginning. The real problem is in connection with, not the planting of new forests on agricultural or other land, but the protection and preservation of our present forests.

Moreover, the regulations regarding planting, thinning, etc., are not drawn in accordance with scientific forestry principles. Often the number of trees required per acre is too large. When the planting is restricted to certain specified kinds of trees, the list is not always well chosen, valuable species being often omitted. The proper thinning of the growing forest and the most profitable use of the forest are often interfered with by the requirements of the statutes.

Again, the burden of the tax reduction is not provided for or not properly placed. The justification of the concession to the timber owner lies in the advantage to the State in general. Yet the particular locality in which the land is located is called upon to bear the whole or the principal part of the burden of a diminished revenue. What the timber owner gains must be made up by heavier taxes on other local property. This point was evidently not considered at all in framing these laws.

Certain local assessors have taken this matter into their own hands, and have adopted the custom of adding enough to the assessment of some other property of the timber owner to make up for the reduced taxes on his timber lands. In this way they protect the local revenue, and also defeat the whole purpose of the law.

The actual financial consideration in these laws is really not very great. Generally the exemption is limited to a rather short period of time, after which the land and trees are again subject to the general property tax. Moreover, the abatement comes in the years when the trees are small and when the taxes would not be very heavy anyway. The remission of taxes resulting from these laws is small when compared with the expense of planting trees and holding them to maturity.

In short, these laws are based on no sound principles either of forestry or of finance.



It is not to be inferred that the failure of these laws to produce important results is wholly due to the defects just described. It is very doubtful whether any law of this character, no matter how scientifically drawn and administered, short of a complete exemption of growing timber, can have any great influence on forests and forestry.

The effects of all these laws on the actual burden of timber land taxation may be regarded as negligible. We accordingly return to the statement with which this chapter started, that timber lands are taxed in the United States with few and unimportant exceptions, in exactly the same manner as other wealth subject to the general property tax.

The correct method of taxation for timber lands is to apply the tax to them when the timber is cut. The taxation of farm lands annually is justified for the land produces a crop each year. In the case of timber lands, however, this is not true and it works a serious hardship on the owner to be compelled to pay a tax each year, when he only markets it in 80 to 150, or 200 years. The net result of such a condition is that the timber land owners are endeavoring to cut all their timber just as quickly as possible, so they can turn this natural resource into money before it is eaten up with taxes. It is safe to say that there can be no true conservation of timber in the United States until there is a radical change in the method of taxing it.

The federal government should assume responsibility for the privately owned timber as well as that publically owned and should enact legislation putting all of the timber in various states on this same equal basis.

#### CONSERVATION APPLIED TO CHILDREN, THE DUTY OF THE STATE.

A change in the constitution was necessary to eradicate slavery from the Southern states. It may become necessary to have another amendment to abolish white slavery in factories, mines and department stores where the children of citizens of the republic are being reduced to absolute servitude instead of being protected, educated and fitted to take part in the maintenance and strengthening of the government which now refuses to protect them. The federal government has charged the states to do this, but as the states have refused, or neglected to carry out their obligations, the federal government should intervene and obtain the constitutional right of protection over defenseless children of the republic.

It is stated "two million children who should be at school and at play are compelled to work in canneries, mines and factories,



two hundred and fifty thousand are being starved or their vitality is being lowered by their adulteration of foods. There are more inmates of our insane asylums than of all our colleges and universities,—that is, we are destroying minds faster than we are giving higher education."

"In New York we have twenty thousand defective children, largely the direct result of the overwork and overstrain to which their mothers are subjected in factories. Conditions are worse here than in any other country of the world."

While all this injustice is being perpetrated in the states, the general government has not, nor cannot act. An expensive, extravagant government has been engaged in promoting the interests of what is called "big business" and straining every power it has to protect multimillionaires in their fight for millions, while the defenseless poor have been forgotten and have become the slaves of these barons of commerce.

#### CHILD CONSERVATION.

In 1840, a Parliamentary Commission in England made public the horrible conditions of women and children in the coal mines; stunted, crippled, misshapen wretches, living in brutal indecency; and a law at once was passed which forbade underground labor by women and children. Thus the principles of factory legislation were soon extended to almost all other lines of manufacturers. Of the long series of later acts the most important is Asquith's Factory Act of 1895, which along with the other wholesome provisions, prohibits the employment of any child labor under eleven years of age. See Chenyney's *Industrial and Social history* pages 257-260.

The conservation of birds, fish and animal life is now becoming the subject of state legislation and the National Congress. Mrs. Russell Sage recently purchased 70,000 acres of suitable land on the Gulf Coast of Louisiana for a bird preserve under control of the state. Fifty-three reservations have already been set aside by the Government for the protection of birds.

It is equally important to provide infant preserves. Why should not the same interest be extended to the protection of infant life, and immature and often helpless infants, born into the world unprovided for, who may with proper care and nourishment become useful and happy citizens, with families of their own? Why should the infant, the growing girl and maturing woman, be left in many ways unprotected by the state, when in many cases they are liable to have insufficient care, and become deteriorated through poverty, or the need of healthy environ-

ment, pecuniary assistance, or proper or remunerative employment? They are surrounded also by those who are ever ready to betray and destroy them body and soul, when permitted to do so.

Jesus Christ said: "Whoso shall offend one of these little ones, which believe in me, it were better for him that a millstone were hanged about his neck, and that he were drowned in the depths of the sea."

If animal or bird life was left entirely unprotected, to be stunted in its natural growth, or rendered diseased, or prematurely eradicated through some dangerous reptile, means would be taken without delay to eliminate this hostile enemy. How much more necessary is it to provide needful protection for human infants in their development, especially those capable—if properly cared for—of becoming mothers of the human race?

It is clearly the duty of the state to guard and nourish such human life in its immaturity and helplessness, when found unprotected and liable to injury. The state should provide the means not only to educate but, if it is necessary, to feed, clothe, and house these children, until they are fully qualified to perform some remunerative occupation, if no other means can be provided. Substantial aid undoubtedly would be furnished also by charitable and church institutions.

A commission of competent and well known ladies should be appointed by the Governor, with members residing in different cities of the state, whose duty it would be to personally register these unprotected girls, look after their welfare and safety, contract for their services—when under age—in stores, factories, offices and homes, and keep a record of their movements for reference at all times. Large farms, near large cities, should be maintained in attractive shape, supplying farm products, and buildings to house, when necessary, unprotected children and their mothers—especially girls and infants. All infants born in maternity hospitals should be under direct control of this commission. Every means available to make children happy and healthy should be provided, including playgrounds and schooling. When children become able to do some work, without injury to themselves, let it be done under the supervision of these commissioners. Lodging houses should be constructed by the state and run for the benefit of the laboring girls and women, who should be carefully watched and guarded. The Chicago Daily News is making a great step forward towards the preservation of infant life by maintaining health resorts for them in summer on the lake shore.

Manufacturers and many business men in the United States, who employ female help in large numbers, are and have been

protected in their business by Congressional and State legislation, and enabled to pay large dividends on their stock. They were once "infant industries"; now let other "infants" needing assistance be protected by the state and nation.

No opportunity should be left open, or possible, for the immoral elements in humanity to trespass upon the happiness, liberty and life of wives, daughters, or mothers of American citizens. It is far better for the state to spend the money, with the aid it can obtain outside from charitable individuals, churches and associations, than turn helpless humanity over without proper protection to those unaccountable to the state. Those neglected ones may *later fill the jails and asylums*. This would, in a measure, prevent the creation of a pauper element that is so conspicuous in European countries.

The age of consent should be fixed by law at eighteen years—the age at which a girl is now legally qualified to contract on her own account in some states.

During the period between 1885 and 1898, a majority of the states of the Union raised the legal limit of girl protection. By 1904, twelve states had fixed the age of consent at eighteen years, the same as for free marriage choice. One state had fixed the period at seventeen years, and twenty-two states at sixteen years. Two placed fifteen years in their statutes, thirteen states fourteen years, two states still retained twelve years, and one state still fixed ten years as the period when a little girl could legally enroll herself in the immoral class "by her own free will."

The Middle Western States led in the radical change of raising the age of consent to eighteen years, and it is noticeable that the states in which women have suffrage became most prominent in this matter of child protection.

As an economic question, it is a serious loss to the state to permit the destruction or demoralization of many thousand girls and women, who could, by proper protection, be saved to strengthen the community. One hundred thousand well cared for and honest women saved when young and legally married—if even half of whom became mothers—would add many thousands to the population. These could accomplish much good and add to the strength of the state. This is why the state, even from an economic standpoint, should take an active part in saving girls and women who otherwise would swell the destructive elements in the population.

All this misrule and anarchy is brought about, in a certain degree, through technical questions regarding state and federal constitutions. The great offenders go free in the absence of control by a supreme power, such as the Parliament in England, which dominates the entire British possessions.

However, between the state constitutions and the federal constitution, the state laws and the laws of Congress, with the intricate system of state and federal courts, and the constitutionality or unconstitutionality of the multitude of laws, the individual citizen groping his way through this labyrinth of uncertainty seeking for speedy relief, finds himself bewildered and must employ legal talent to extricate him. Marriages and divorces, the transfer of property, assessments and collection of taxes in the different states, and many other laws which vary as the state lines are crossed, cause endless confusion. This will continue until some of the prejudices against a supreme general government over the entire United States are overcome, and the laws in different states are harmonized.

The United States Constitution now guarantees to every state in the Union a republican form of government and it shall protect each of them against invasion, on application of the Legislature, or of the Executive when the Legislature cannot be convened, against domestic violence. The people are allowed to alter or amend the constitution by a two-thirds vote of both houses of Congress, ratified by three-fourths of the legislatures of the several states. Civil and religious liberty is proclaimed with freedom of speech and of the press. The several states are equal among themselves, but all are subordinate to the general government. No state should be permitted, under this equitable constitution, to fall into hands of a few local tyrannical leaders, who could with impunity oppress or trifle with the rights of citizens under the broad and supreme general government, which should be given power to protect all the people.

#### SENATOR HOKE SMITH KEEPS CHILD LABOR BILL FROM SENATE.

Washington, March 2, 1915.—Hoke Smith, Senator from Georgia, chairman of the Senate Committee on Education and Labor, discussing the child labor bill recently passed by the House and favorably reported to the Senate, said:

"There would be at least two days' debate on this measure if it were called up, and that would be simply impossible at this late hour in the session.

"Why do I oppose the bill?" he asked.

"I oppose it because it infringes upon the rights of the states to regulate these matters according to their own views and is a matter in which the federal government has no concern."



## CHILD LABOR BILL PASSED.

Congress passed the Keating Anti-Child Labor Bill and it was signed by the President Sept. 1.

The measure prohibits the interstate shipment of goods manufactured where children under fourteen are employed, or of mine and quarry products produced where children under sixteen are employed.

## LIMITATION OF STATE CONSTITUTIONS.

Section I, Article XIV of the Constitution ordains that "all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." The fifteenth amendment extends the right of citizenship to the colored people, and gives the men the right to vote when of age. "The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety shall require it." The trial of all crimes, except in cases of impeachment, shall be by jury.

"No state shall enter into any treaty, alliance or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility." \* \* \* "No state shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or contract with another state or with a foreign power, or engage in war, unless actually invaded or in such imminent danger as will not admit of delay." (§ 10, Article 1.)

When the federal constitution was framed it was assumed not only that the protection of the personal and property rights of the citizens of each state would remain with the states themselves permanently, but also that as the federal government was to be a government possessing only enumerated powers. "No general guarantees to individuals against the improper exercise of authority on the part of the federal government was necessary."—21, McClain's Constitutional Law of the United States.)

It should be the pride of all loyal citizens to preserve the



state governments as a model of excellence and compactness with the lines firmly drawn defining their local privileges. The state government, like the general government, has its powers distributed among several branches, and according to the fundamental principles of representation, each of these branches, as the legislative, executive and judicial departments, becomes in its respective sphere the immediate and equal representative of the people.

"The state constitutions recognize three coördinate departments of government: the legislative, the executive and the judicial. By these constitutions and in general by all state constitutions framed after the original state constitutions, the governor as the head of the executive department is head of the state. He is chief administrative officer, charged in a general way with the enforcement of the laws; he is at the head of the military establishment of the state; and he has the pardoning power. He has also some functions to perform in connection with the legislative department." (McClain refers to J. I. C. Hare. Constitutional Law, lecture 10. James Bryce's American Commonwealth, Chapters V, VI, XX, XXI, XLI.)

"The federal government, although a government of limited and delegated rather than general powers, has such implied powers as may be necessary to the reasonable exercise of the powers granted."

"Many state constitutions include clauses either expressly reserving to the people the ultimate sovereignty, and all powers granted by the constitution to the government, or expressly limiting the departments of government to the exercise of the powers conferred."

It was this disconnection of the southern states from the supremacy and jurisdiction of the central government, and their isolation from the direct influence of the more progressive Eastern states, which led to their enstrangement from the Northern states. The local dictators, who, claiming the sovereignty of the states, which meant their individual supreme dictatorship, defied the central and federal government. This demonstrated the fallacy of state rights as against a supreme and central government.

It was this deference to the supposed sovereignty of the Southern states which held President Buchanan back from acting promptly in 1860.

## CHAPTER VII.

## NATIONAL VERSUS STATE SOVEREIGNTY.

From the earliest history of the constitution, and before its adoption, the citizens of the United States have been divided upon the question as to the sovereignty of the general government, and state sovereignty. It was first the Federalists against the Anti-federalists or Republicans; then it was the Democratic party under the leadership of Jefferson, versus the Federalists. Then by some strange freak of nomenclature, the controversy was continued between the Democratic party and the present Republican party.

Abraham Lincoln, who was the founder of the Republican party, advocated the supremacy of the general government within its own appropriate sphere, and limited only as provided for in Article 10, amendment to the constitution, which states that "the powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people."

"The cantons of Switzerland are sovereign, so far as their sovereignty is not limited by the federal constitution, and as such they exercise all rights not delegated to the federal power. The two sovereignties must be coexisting, and the first question is, how to balance them against each other, in such a way as to prevent any due preponderance of either."

"The internal history of Switzerland clearly shows the existence of a double sovereignty' in the confederation—the one federal, and the other cantonal, and instances abound of their frequent opposition to each other."—(Sir Francis O. Adams, on the Swiss Constitution.)

The constitution of the United States does not admit of a similar double sovereignty. Abraham Lincoln held that "acts of violence within any state or states against the authority of the United States are insurrectionary or revolutionary, according to circumstances. That one of the objects of forming and establishing a constitution in 1787 was to *form a more perfect union*." This would tend to indicate the superior, or sovereign power of the national government, composed of the executive, legislative and judicial departments. The latter has

the power of construing the constitution and the question of sovereignty where there is a conflict as to authority.

The Democratic party advocated state rights as its pet theory, following Jefferson, who was elected on the first Democratic ticket.

"The chief source of hostility against national sovereignty," as stated by James Bryce, "is the belief that a strong central government endangers both the rights of the states and the liberties of the individual citizen." "Consolidation would extinguish the state governments and the local institutions they protected." The southern states were afraid of the overthrow of slavery and stood out for state sovereignty.

These theories, that obtain even since the civil war regarding state rights, cannot be maintained in the United States without sooner or later bringing the state governments into collision with the national government. Some day the national government will attempt, with the approval of the Supreme Court, to exercise some rights it will claim to possess, but which a state or states will deny, and the result will be a dispute as to the assumed rights of the state. It will then be like two sovereigns, contending for supremacy over the same territory, as in the case of the civil war.

It has been stated that "no one who properly understands our form of government doubts that each government and department thereof, is sovereign in the exercise of power belonging to it." Although each government may have specified and limited powers granted to it, only one power, that comprised within the range of the national government, is sovereign when the two are disputing about their supreme power in any particular. Webster defines sovereign as "superior to all other, highest, predominant, independent of any other: sovereign state, a state which administers its own government and is not dependent upon and subject to another power: Sovereignty, the exercise of, or right to exercise supreme power."

The arguments set forth to prove that each government, state or national, is *sovereign* in the exercise of powers that belong to it, are fallacious as to the meaning intended to be conveyed to the people, for although they each have specified powers, *only one can be sovereign*.

This sovereign power in the United States is vested in the citizen-voters of the nation. They have delegated certain limited powers to the national government, and certain limited powers to the state governments; and the state and national governments can only exercise those limited powers; but if there is a conflict as to which possesses the sovereign power in a disputed case, the state must peacefully abide the decision of the

Supreme Court, one of the branches of the national government. Every intelligent voter should be able to understand that fact. According to this construction, when we compare the powers of the state governments with the powers of the national government, comprising several distinct branches including the judicial, they must admit that the latter, having the power through the United States Supreme Court of giving the final decision on all disputed acts of the legislative branch and the meaning of all provisions of the constitution and on all questions of controversy between the states and the nation, is the higher and supreme law of the land. Under this construction also every voter, being part of the sovereign power of the nation, has a right to protection from one of the different agencies which he has assisted in instituting and supporting which is capable of rendering relief, if any rights, such as his privilege to vote, his personal liberty, or his right of free speech, are interfered with by a combination of individuals, or even by a state.

If the word sovereign is to be used, it cannot be appropriated by two distinct powers in the land. It must be stricken out before the word state, or before the word nation. A portion of our countrymen have elected to strike it out before "state," and leave it in before the word "nation," as it covers the vast power of the national legislature, and the power granted the Supreme Court of final decision on controverted points. Another portion of our citizens, however, practically strike it out before "nation" and leave it in before "state." It is an incontestable fact that two sovereign powers cannot exist over the same territory at the same time. This applies to America as well as to European states or governments. Switzerland has tried it, but found it unsatisfactory and unreasonable.

No such contrary forces have ever been maintained successfully in any substantial government. They have proven to be very dangerous elements to contend with in our government, and in Switzerland, when the attempt was made to enforce them. As the people of every state are represented in the three branches of the national government without distinction, they should fear no evil from that government, if they properly understand and exercise their right under the constitution. It is only when they commit a wrong as a state, or a combination of states, that they come into collision with the constitution, the same as a man who steals comes into collision with the laws of the state.

All the slave states objected to relinquishing the sovereignty of the individual states, but nevertheless ratified the constitution. Lincoln stated in his first inaugural address that when an association of states is made by contract merely, it can-



not be unmade by less than all parties thereto, and no state can by its own motion legally get out of the Union; "that acts of violence within any state or states, against the authority of the United States, are insurrectionary, or revolutionary, according to circumstances."

John Fiske states (In his work entitled, "The Critical Period of American History, "1783-1789," pp. 343-344), that "the decisive struggle was over the question whether New York could ratify the constitution conditionally, reserving to herself the right to withdraw from the Union in case the amendments upon which she had set her heart, should not be adopted. Upon this point Hamilton reinforced himself with the advice of Madison, who had just returned to New York. Could a state once adopt the constitution and then withdraw from the Union if not satisfied? Madison's reply was prompt and decisive. No, such a thing could never be done. A state which had once ratified was in the federal bond forever. A constitution could not provide for, nor contemplate its own overthrow. There could be no such a thing as a constitutional right of secession."

The constitution contains no provision for the secession of a state. It is not a contract between absolutely sovereign states like the confederation between the twenty cantons of Switzerland, was originally. A clause should have been inserted at the time, plainly stating that no state could secede from the Union, except by the consent of all, or two-thirds of the states. Had this been done, it might have held the southern states in check. But the southern states would not have ratified the constitution in that shape probably.

Had the constitution contained an amendment providing for a *referendum*, the "slave question" could have been submitted to the people of all states and settled in that way constitutionally.

To know how earnestly President Lincoln regarded this subject, on the eve of the Civil War, read the last clause of his first inaugural. "I am loath to close. We are not enemies, but friends. We must not be enemies. Though passion may have strained, it must not break our bonds of affection. The mystic chords of memory, stretching from every battlefield and patriot grave, to every living heart and hearthstone, all over this broad land, will yet swell the chorus of the Union, when again touched, as surely they will be, by the better angels of our nature."

When Gen. Robert E. Lee assumed the presidency of Washington College October 1865, which position he occupied until October, 1870, he said, "I think it the duty of every citizen, in the present condition of the country, to do all in his power to aid in the restoration of peace and harmony, and in no way to



oppose the policy of the state or general government directed to that object."

To the Confederate Government of Virginia, he said: "The duty of citizens appears to me too plain to admit of doubt. All should unite in honest effort to obliterate the effects of war, and to restore the blessings of peace. They should remain if possible in the country; promote harmony and good feeling; qualify themselves to vote, and elect to the state and legislature wise and patriotic men, who will devote their abilities to the healing of all dissensions. I have invariably recommended this course since the cessation of hostilities and have endeavored to practice it myself.

After fifty years the veterans of the Blue and the Gray fraternized and meet in brotherly love and forgiveness on the historic battle ground of Gettysburg, and Chattanooga—this is the best result of times soothing and restoring influence. We have accomplished peace between the North and the South. Northern capital enterprise is used to build up the Southern states and a new spirit of northern prosperity is gaining a sure foothold there. The vast tracts of uncultivated lands of Louisiana and Florida are being reclaimed and cultivated by northern capitalists. The prejudice of Southerners against the old time Yankees is an incident of the past, and one of the most honored and loved heroes of the common country is Abraham Lincoln.

#### SECESSION A NEW ENGLAND DOCTRINE.

"John Quincy Adams, a supporter of the embargo act of 1807, privately informed President Jefferson (in February, 1809) that further attempts to enforce it in the New England states would be likely to drive them to secession. Accordingly, the embargo was repealed and the non-intercourse act substituted for it. Secession is not exclusively a New England doctrine. When the constitution was adopted by the vote of states in popular conventions, it is safe to say there was not a man in the country from Washington and Hamilton on the one side to George Clinton and George Mason on the other, who regarded the new system as anything but an experiment, entered into by the states, and from which each and every state had the right to withdraw, a right which was very likely to be exercised."—(See "American State Documents and Federal Relations," page 21, and Henry Cabott Lodge's "Webster," page 176.)

"In discussing the bill for the admission of Louisiana in 1811, Josiah Quincy said: 'Why sir, I have already heard of six states, and some say that there will be at no great distance more.

I have also heard that the mouth of the Ohio will be far to the east of the contemplated empire. \* \* \* It is impossible that such a power could be granted. It was not for these men that our fathers fought, it was not for them this constitution was adopted. You have no authority to throw the rights and liberties and property of this people into hotchpot with the wild men on the Missouri, or with the mixed, though more respectable race of Anglo-Hispano-Americans who bask on the sands in the mouth of the Mississippi. \* \* \* I am compelled to declare it as my deliberate opinion that, if this bill passes, the bonds of the Union are virtually dissolved; that the states which compose it are free from their moral obligations; and that, as it will be the right of all, so it will be the duty of some, to prepare definitely for a separation—amicably, if they can, violently, if they must.’”

June 15, 1813, the Massachusetts legislature endorsed the position taken in this speech.

“As late as 1844 the threat of secession came again from Massachusetts. Its legislature resolved that the commonwealth, faithful to the compact between the people of the United States according to the plain meaning and intent in which it was understood by them, is sincerely anxious for its preservation; but that it is determined, as it doubts not other states are, to submit its undelegated powers in no body of men on earth.” And that “the project of the annexation of Texas, unless arrested at the threshold, may tend to drive these states into a dissolution of the Union.”

This was just seventeen years before the Commonwealth of Massachusetts began to arm her sons to put down secession in the South.

#### GROWTH OF THE SOUTH.

1912.

Since obtaining control of their state governments the whites in the southern states have as a rule increased appropriations for common schools by at least four hundred per cent, and though paying themselves by far the greater proportion of these taxes, they have continued to divide revenues pro rata between the white and the colored schools.

Industrial results have been amazing. The following figures, taken from the Annual Blue Book, 1911 edition, of the Manufacturers' Record, Baltimore, Maryland, include West Virginia among the reconstructed states.

The population of these states was, in 1880, 13,608,703; in 1910, 23,613,533.

Manufacturing capital, 1880, \$147,156,624. In 1900 (twenty years after) it was \$1,019,056,200.

Cotton crop, whole south, 1880, 5,761,252 bales. In 1911 it was about 15,000,000.

Of this cotton crop southern mills took, in 1880, 321,337 bales, and in 1910, 2,344,343 bales.

In 1880 the twelve reconstructed states cut of lumber, board measure, 2,981,274,000 feet; and in 1909 22,445,000,000 feet.

Their output of pig iron in 1880 was 264,991 long tons; in 1910, 3,048,000 tons. The assessed value of taxable property in 1880 was \$2,106,971,271; in 1910 \$6,522,195,139.

The negro, though the white man, with his superior energy and capacity, far outstrips him, has shared in this material prosperity. His property in these states has been estimated as high as \$500,000,000.

The north had the army and navy, factories of every description, and free access to the ports of the world.

The population of the north was 22,339,978.

The population of the south was 9,103,332, of which 3,653,870 were colored. The total white male population of the Confederacy, of all ages, was 2,799,818.

The reports of the Adjutant-General of the United States, November 9, 1880, show 2,859,132 men mustered into the service of the United States in 1861-65. General Marcus J. Wright, of the United States War Record Office, in his last estimate of Confederate enlistments, places the outside number at 700,000. The estimate of Colonel Henderson, of the staff of the British army, in his "Life of Stonewall Jackson," is 900,000. Colonel Thomas J. Livermore, of Boston, estimates the number of Confederates at about 1,000,000, and insists that in the Adjutant-General's reports of the Union enlistments there are errors that would bring down the number of Union soldiers to about 2,000,000. Colonel Livermore's estimates are earnestly combated by Confederate writers.

It has been estimated that since the war this country has paid its soldiers over \$5,000,000,000. The South has paid of this amount \$1,800,000,000.

#### RECONCILIATION.

The time has now happily come when, to use the language of Senator Hoar, "as Americans, we can, north and south, discuss the causes that brought about our terrible war, in friendly

and quiet spirit, without heat, each understanding the other, each striving to help the other as men who are bearing a common burden and looking forward with a common hope."

"The country, it is believed, has already reached the conclusions that the south was absolutely honest in maintaining the right of secession and absolutely unswerving in its devotion to its ideas of the constitution, and that the north was equally honest and patriotic in its fidelity to the Union."—(Hilliard A. Herbert, LL. D. in "The Abolition Crusade and its Consequences." Charles Scribner's Sons, 1912.)

In recent years a large amount of Northern capital has been invested in Louisiana, Georgia, Alabama and other Southern states. Some parts of marsh land have been worked and put under cultivation. Mills have been built for lumber industry and manufacturing of different kinds. There is little or no hostility manifested toward Northerners and the enterprise of the North has been gradually extended.

## CHAPTER VIII.

## CAUSES WHICH LED TO THE REBELLION.

THE ADHERENCE OF THE SOUTHERN STATES to the old doctrine of the anti-federalists of state sovereignty—the Missouri Compromise—the Nullification Act of South Carolina, prepared by John C. Calhoun, the great apostle of State rights—the annexation of Texas—the Kansas-Nebraska bill, passed 1854, repealing the Missouri Compromise—the division of the Democratic party at the time of the nomination of Democratic candidates for the presidency in 1860—the Democratic opinion rendered March, 1857, by Chief-Justice Taney “that negroes, whether free or slaves, were not citizens of the United States, and that they could not become such by any process known to the Constitution” and could be taken into the territories the same as any other property—the capture of Harper’s Ferry by John Brown in 1859, and his capture by Col. Robert E. Lee, then officer in U. S. Army—Brown’s execution—the Free Soil party getting possession of Kansas—the election of Abraham Lincoln, the opponent of slavery and of state sovereignty, in November, 1860—the secession of South Carolina from the Union, December 17, 1860, and the subsequent secession of Mississippi, Florida, Alabama, Georgia, Louisiana and Texas, which all withdrew from the general government by February 1st, 1861—the formation of the “Confederate States of America,” on the 4th of February, 1861, by six Southern states, at Montgomery, Alabama, and election of Jefferson Davis and Alexander H. Stephens as President and Vice-President, and organization of a new government on the 8th of the same month—the failure of the peace conference, representing thirty-one states, at Washington, to effect anything—and the bombardment and capture of Fort Sumter, April 11, 1861, by Gen. P. T. Beauregard, and the forced surrender by Major Andreson of Sumter to the Southern Confederacy—all combined to bring about the fearful catastrophe of the rebellion against *the authority of the National Constitution, under which had been* conducted the affairs of government since Washington’s inauguration, April 30, 1789.

THE REPUBLICAN PARTY ENTERED INTO POWER UNDER THE ADMINISTRATION OF ABRAHAM LINCOLN at an era more fraught with peril than when the colonies proclaimed their independence.



A succession of events followed filled with terror, burned into the memories of those then living. That party, with the aid of many patriotic democrats, put down the rebellion, reorganized and reestablished all the seceded states and placed again in splendid running order, with its remodeled constitution, this magnificent government. It must be remembered that in 1787 the Northwestern Territory was ceded to the United States by Virginia, New York, Massachusetts and Connecticut, and that Ohio, Indiana, Illinois, Michigan and Wisconsin, were afterward formed out of this territory; that Louisiana was purchased of Napoleon April 30, 1803, for \$11,000,000 cash and \$3,750,000 assumed debts due from French citizens to Americans, making \$14,750,000, for a territory of more than 1,000,000 square miles; and that Alaska, with 580,000 square miles, was purchased March 30, 1867, for \$7,200,000, by the United States.

February and March, 1861, an amendment forbidding the constitution to be ever so amended as to authorize congress to interfere with the domestic institutions, including slavery, was passed in both houses by a democratic majority, but never submitted to the states, as the Civil War broke out soon after. At that time the South had a majority of the members of congress.

Mr. Lincoln in his message July 4th, 1861, said: "They (the disunionists) invented an ingenious sophism which, if conceded, was followed by perfectly logical steps, through all the incidents to the complete destruction of the Union. The sophism itself is, that any state of the Union may, consistently with the national Constitution, and therefore lawfully and peacefully, withdraw from the Union without the consent of the Union or of any other state. The little disguise that the supposed right is to be exercised only for just cause, themselves to be the judges of its justice, is too thin to merit any notice."

He also stated that "The express plighting of faith by each and all of the original thirteen states in the Articles of Confederation two years later that the Union shall be perpetual, is most conclusive. Having neither been states either in substance or name, outside of the Union, whence this magical omnipotence of 'State Rights' asserting a claim of power to lawfully destroy the Union itself? Much is said about the 'Sovereignty' of states; but the word even is not in the national constitution; nor as is believed, in any of the state constitutions. What is 'Sovereignty' in the political sense of the term? Would it be far wrong to define it 'a political community without a political superior?' Tested by this, no one of our states, except Texas, ever was a sovereignty. These states have their status in the Union and they have no other legal status. If they seceded from this they can only do so against

the law and by revolution. The Union and not themselves separately provided their independence and their liberty."

"By conquest or purchase the Unions gave each of them whatever independence or liberty it has. This relative matter of national power and state rights as a principle, is no other than the principle of generality and locality."

In the summer of 1862, Lincoln proposed a draft of the Proclamation of Emancipation and submitted it to a full cabinet meeting. It was issued September 22, 1862. This could only be warranted and maintained under the constitution on the ground of its being a war measure, taken to prevent the overthrow of the Constitution and the Union.

Abraham Lincoln and other students of the constitution were conscious of the conflicting elements contained in the constitution, but were judicious enough to keep within the strict limits of its provisions (although they did not fully endorse all) so as not to commit any unconstitutional acts; but the secessionists, who were never out of the jurisdiction of the constitution, violated its plain instructions, both in regard to their assumed right to secede, and their determination to enforce the extension of slavery into the territories. Chief Justice Roger B. Taney, in the Dred Scott case, undertook to decide that slavery could be extended into the territories. This decision was a political trick to help the South, and was not warranted by the constitution even prior to the Thirteenth Amendment. After the war Andrew Johnson had the audacity to quote this decision when the Fifteenth Amendment was being discussed in Congress.

#### LINCOLN LOYAL TO CONSTITUTION.

April 28, 1912, President Taft made public a letter from the Hon. Robert T. Lincoln, in which Mr. Lincoln defined his father's views upon the constitution, as follows:

"The government under which my father lived was, as it is now, a republic, or representative democracy, checked by the constitution, which can be changed by the people, but only when acting by methods which compel deliberation and exclude so far as possible the effect of passionate and shortsighted impulse. A government in which the checks of an established constitution are actually or practically omitted—one in which the people act in a mass directly on all questions and not through their chosen representatives, is an unchecked democracy, a form of government so full of danger, as shown by history, that it has ceased to exist except in communities small and concentrated as to space. A

New England town meeting may be good, but such a government in a large city or state would be chaos.

"As I understand it, the essence of Mr. Roosevelt's proposals is that we shall adopt the latter form of government in place of the existing form. This, in simple words, is a proposed revolution, peaceful perhaps, but a revolution. In support of these revolutionary doctrines which, if successful, would abolish the form and spirit of our existing government, and surely, I think, lead to attempted dictatorships, resort is had to what is claimed to be the words and teachings of President Lincoln."

"President Lincoln wrote many letters, made many public addresses and was the author of many documents. I do not know of the existence in any of them of a word of censure or of complaint of our government or of the methods by which it was carried on. He was sincerely and faithfully obedient to our Constitution. In the single act for which he is most remembered—the issuance of the emancipation proclamation—he expressly supported it as an act warranted by the Constitution upon military necessity.

"On one public occasion he described the effect of the counting of slaves in congressional and electoral representation. In comment he said:

"'Now all this is manifestly unfair; yet I do not mention it to complain of it in so far as it is already settled. It is in the Constitution and I do not for that cause, or any other cause, propose to destroy or alter or disregard the Constitution. I stand to it fairly, fully and firmly.'

"He hated slavery, but his reverence for the Constitution and law was such that he said publicly again and again, that if a member of Congress he would faithfully support a fugitive slave law.

"His attitude toward the Dred Scott decision is urged as in support of the pernicious project for the recall by popular vote of judges and of judicial decisions. He thought it an erroneous decision, but his chief point in reference to it was not its error but that it indicated a scheme, and was part of it, for the nationalization of human slavery. He never suggested a change in our government under which the judges who made it should be recalled, but said that he would resist it politically by voting, if in his power, for an act prohibiting slavery in United States territory, and then endeavor to have the act sustained in a new proceeding by the same court reversing itself.

"Is there to be found here, or anywhere else, support for a project to abolish the essential elements or any elements of our Constitution? Yet he is cited in support of such action.

"He loved the government under which he lived, and when at Gettysburg he prayed—if I may use that word—"that a govern-

ment of the people, by the people and for the people may not perish from the earth,' he meant and could only mean that government under which he lived, a representative government of balanced executive, legislative and judicial parts, and not something entirely different—an unchecked democracy.

"These often quoted words of President Lincoln are now deliberately altered and argument founded on their altered form.

"I may be permitted to say that I do not think the public wishes the Gettysburg speech to be rewritten and its words changed by any one, however distinguished, for any purpose, least of all in order to support a proposition that President Lincoln could not possibly have had in mind."

#### WRIT OF HABEAS CORPUS SUSPENDED.

General G. Cadwalader refused to obey the writ of habeas corpus, it is said, in the case of John Merryman. On the 27th of May, 1861, Merryman was arrested in Maryland on a charge of treason, and confined in Fort McHenry. Chief Justice Taney, sitting alone on the Circuit Court bench, issued a writ of habeas corpus, to which the military officer—though no public notice of an executive order had been given—replied that he was authorized by the President to suspend the writ of habeas corpus for the public safety. Taney, therefore, ordered the arrest of the officer, on the ground that there was no process short of an act of congress which could justify military detention of a civilian, and that the President had no constitutional authority to suspend the habeas corpus and, of course, none to delegate such suspension.

The marshal was, however, by military force, prevented from serving the writ, and Taney, with a clear understanding of his helplessness, certified his decision to the President, in order that, as he said, that officer might "perform his constitutional duty to enforce the laws, or at least to enforce a process of this kind." The President simply ignored Taney's decision, and throughout the war continued to hold suspected persons under arrest, at first by his own authority, and then under legislation obtained from Congress.—(Life of Samuel B. Chase, by Albert Bushnell Hart, 1899.)

#### INFLUENCE OF OUR CONSTITUTION.

Other writers have called attention to the fact that many nations have been influenced by the success and prosperity of



this country under its representative form of constitutional government, and have in a measure tried to pattern after it.

The Hon. James Bryce said: "The best testimony to the excellence of your system in speaking of the United States, is to be found in the influence that it has had upon other countries. It is an interesting fact that your constitution and ours (referring to the English) have been in their general line the patterns of all other modern free constitutions. The British Constitution has been taken as being more or less a model by all the free governments that have been established in Europe and the British Colonies since 1815. Your constitution has been taken as a model—imperfect as some of the reproductions have been—by the republican governments that have been established in every part of the Western World. That is to say, in South America and Central America, and it has also had a profound influence not only on the latest constitution of Switzerland, that of 1874, but also upon the federal constitutions of Canada, Australia and South America.

"Your constitution by the example it has set of its working, and by the halo of fame which now surrounds it, has become one of the vital and vitalizing forces of the modern world. Let us honor the group of illustrious men who, meeting in Philadelphia, rendered this incomparable and enduring service not to you only, but also to all mankind.

"The best proof of the success which attended the framing of the constitution is to be found in the fact that the constitution which they framed for a nation that only a little exceeded three million people has been found now to fit the needs of ninety-three millions. It may not fit those needs perfectly, but it is extraordinary that it shall fit them at all."

"Through the principles of democracy and nationality, there was created a new Germany, a new Italy, a new French Republic, a more democratic England, a constitutional federal Austria-Hungary, a group of Slavs in the Balkan peninsula." (West's Modern History.) All these and other small states of Europe, not mentioning North and South America and Australia, in a great measure subsequently remodeled their governments after methods which obtained in England and the United States.

During the first half of the nineteenth century, after the revolution in France and the execution of Louis Sixteenth, who was opposed to a constitutional government, there was a general demand throughout the European states for more liberal methods of government. At the same time however, there was strong opposition among prominent rulers there against granting more independence to their states or subjects. Francis of Austria said: "The whole world is foolish and wants constitutions."



Prince Metternich made it his life work to prevent Prussia and other German states from introducing constitutional governments. He did all he could to counteract the new stimulus of freedom prevailing among the discontented elements in Germany and Austria caused by the revolution of 1830 and the overthrow of Charles X. Emperor Ferdinand, who so hated the very word "constitution" that he is said to have forbidden his physician to employ it, was finally forced to give one to his whole monarchy.

When the question of a constitution came up February 3, 1847, King Frederick William IV. of Prussia said: "Never will I allow a written document to come between God in Heaven and this land in the character of a second Providence, to govern us with its formalities and take the place of ancient loyalty." Yet he finally granted Prussia a constitution, January 31, 1850. In it Article IV. stated that "all Prussians are equal before the law. Class privileges there are none. Public offices subject to the constitutions imposed by law are equally accessible to all who are competent to hold them."

In July, 1913, the Kaiser William II. burned the political testament of his ancestor, Frederick William IV., and refused to carry out his autocratic command to overthrow the Prussian constitution. He remained faithful to his royal oath and acted the part of a patriotic and honorable ruler by boldly throwing his ancestor's document in the fire. The present Kaiser is a much wiser ruler than Frederick William IV.

After the termination of the civil war 1861-1865, and after the Franco-Prussian war 1871, a United Germany was formed under a liberal constitution, in some respects patterned after that of the United States with the King, William I. of Prussia, as President, under the title of "German Emperor." Baron Stein, who was a trusted adherent of Frederick the Great, once said, "I have but one fatherland, which is called Germany. With my whole heart I am devoted to it, and not to any part of its parts." He stood for the union of the German States, as Lincoln did for the union of the United States of America.

Eight years later, after all the civilized world had progressed in the methods of government and had adopted constitutions, Nicholas II. issued his famous decree granting the formation of the National Duma and a parliamentary government to his country.

#### THE HOLY ALLIANCE AND MONROE DOCTRINE.

Monroe sent a message to Congress December, 1823, explaining his policy of preventing foreign powers from getting a foot-

hold on American soil. This subsequently became known as the "Monroe Doctrine," first:

"The American continents were not henceforth to be considered as subject for future colonization by any European power."

"Second, That efforts to coerce the newly established government would be regarded as proof of "an unfriendly disposition toward the United States."

This policy had been endorsed by George Washington, John Quincy Adams, and Jefferson.

During John Quincy Adams' administration a convention of all the American republics was held, and Adams then took the position that through such a congress the influence of the United States would be extended and the Monroe Doctrine more firmly established.

President Wilson said in his Mobile speech, recently: "it is our duty to make the Western Hemisphere the home of the free, governed only as the people dictate. We must follow the course of high principle, not of expediency, no matter what the pressure."

President Cleveland said in 1895 in a message to Congress that the Monroe Doctrine should be adhered to in the settlement of the boundary dispute between Great Britain and Venezuela, and that the former should not be permitted to encroach upon the territory of the latter. The question was submitted to arbitration and satisfactorily settled on this basis.

Sydney Smith called the Holy Alliance "the Crowned Conspirators of Verona." The absolute sovereigns of Austria, Russia and Prussia signed a declaration that they would intervene to put down revolution against any established government. Thus the principle of intervention was a proclamation that monarchs would support each other's divine rights against the people. It was directed against the right of any people to throw off despotic rule and to make its government for itself. England protested. The Holy Alliance, started by Alexander I., September, 1815, "promises to govern their respective peoples as 'branches of one Christian nation' in accordance with the precepts of justice, charity and peace." This was signed by every Christian ruler on the continent except the Pope. Its name of Holy Alliance, however, was applied to the other League which the three monarchical states, Austria, Russia and Prussia, signed afterwards.

The Holy Alliance wished to restore monarchical control in the revolted Spanish colonies in America. The United States and England objected. The Monroe Doctrine originated, 1822, partly in this action against the Holy Alliance. The United

States objected to the extension of this political system to America.

In the year of the revolution (1848), this system of Metternich's, an absolute monarchical rule, through this Holy Alliance, or unholy alliance, and the suppression of constitutional governments in Europe, was overthrown. There never again was a concert of European powers formed in the interests of despotism.

#### PAN-AMERICANISM AND THE MONROE DOCTRINE.

In view of the present situation in Mexico, with an armistice agreed upon by the forces of the United States and the Huertistas, while the representatives of Argentina, Brazil and Chile strive to formulate an agreement for peace that will satisfy all nations and factions involved, some review of the progress of Pan-Americanism is interesting.

Few observers of the present situation remember that it was the British prime minister, Canning, who, in conference with United States Minister Rush in 1822, gave the first impetus to that growing solidarity of the North and South American republics which is latterly called Pan-Americanism, and of which the much debated Monroe Doctrine has been the bulwark.

The "Holy Alliance" of the Emperors of Russia and Austria and the King of Prussia was contracted in 1815 without the aid of intervening ministers but by themselves as absolute sovereigns. Their object was primarily to rehabilitate autocracy with "jure divino," and secondarily to prevent the rise of, and to overthrow free governments and to dominate the world. This is the account of it given by Oscar S. Strauss in his new book, "The American Spirit," page 62.

France took a hand in 1823, meddling with the Spanish constitution of the cortes and upholding the absolutism desired by Ferdinand VII. But now the British government protested, disclaiming for itself and denying to other powers the right of requiring any change in the internal institutions of an independent state. Then the allied powers proposed to intervene in South America and Canning wrote to Rush: "Is not the moment come when our governments might understand each other as to the Spanish-American colonies?" He said that while Britain did not aim at possession of any Spanish colonies she "could not view their transfer to any other power with indifference."

## ORIGIN OF THE STEP.

If any European plan looked to a forcible entrance into any Spanish-American colony, Britain and the United States might well declare their "joint disapprobation of such projects." He wrote that there had seldom occurred in history such an opportunity for two friendly governments so easily to prevent such extensive calamities.

Though he concurred in the idea, President Monroe did not adopt the proposal of a joint declaration. He maintained that the public policy of the United States, which kept aloof from intermingling with European affairs, implied non-intervention by Europe in the affairs of the west. The phrasing of the Monroe Doctrine shows clearly that it was not set forth in consequence of the acts of the "Holy Alliance" and in response to the advice of Britain.

Mr. Strauss says that the Monroe Doctrine embodies the golden rule of international relations. It is not a producer of war but a harbinger of peace. It hastened not only the independence of the colonies on this hemisphere, but it relieved Europe of the absolutism of the "holy alliance." Lord Brougham said that Monroe's message to Congress was an event "than which none has ever dispersed greater joy, exultation and gratitude over all the freedom of Europe." Canning said, referring to his share of the plan, "I called the new world into existence to redress the balance of the old."

## PAN-AMERICANISM'S GROWTH.

In 1882 Secretary Frelinghuysen told James Russell Lowell that the doctrine so formulated by Monroe, expounded by Adams and counseled by Jefferson and Madison, would hardly be controverted by Great Britain, for it was an international doctrine which she herself proposed to the United States when looking to her own interests and which when adopted by the United States she had highly approved. Secretary Fish said, when a settlement of affairs in Central America was pending, that the United States stands solemnly committed by repeated declarations and acts to the Monroe Doctrine. It stands against any increase of European power or influence in the west. It hopefully anticipates the time when European powers shall depart from the western continent and leave it entirely American.

On the other hand the advance of the Pan-American idea has been very slow. The southern republics have, as a whole been desirous neither of a union among themselves nor of union with



the United States. In 1888 the United States Congress invited the Pan-American governments to send delegates to a conference at Washington, which was presided over by James G. Blaine and attended by every state except San Domingo. A majority of the members voted for compulsory arbitration and an international American bank was proposed. The one concrete result was that the international bureau of American Republics was established at Washington to publish information concerning all the American countries.

In 1901 the second Pan-American conference met in Mexico City and arbitration was again the chief topic. The international bureau was reorganized on a stronger basis, with the United States secretary of state as chairman. The third Pan-American conference was held at Rio de Janeiro in 1906. Nineteen states were represented, all in fact except Haiti and Venezuela. Elihu Root, United States secretary of state, addressed the conference. The next one was held in Buenos Aires in 1910. It renamed the bureau the bureau of Pan-American Union.

In 1912, too, a Pan-American States Association was proposed by business men as purely a matter of commercial interest. It is stated frankly to be concerned with the personal interests of each member. It is hoped to bring about closer and better relations between North and South American business houses, and many men of public and financial responsibility are lending it support.—(*Christian Science Monitor*, May 2, 1914.)

#### THE NEW MONROE DOCTRINE.

William I. Hull, Ph. D., of Swarthmore College, says in his book published by G. P. Putnam Sons:

"The United States must prepare itself for leadership along this line (referring to the present war in Europe) by internationalizing the Monroe Doctrine" \* \* \* The rapid development of the Doctrine by the logic of recent events is illustrated by various facts associated with and apart from the present war. The emergence of a Japanese Monroe Doctrine for Asia, the possibility of a German invasion of British and French dominions in America, the misunderstandings of Great Britain with sundry American republics in regard to neutrality, and the continuous performance, of 'revolutionary' leaders in Mexico, Haiti, and elsewhere in Latin-America, emphasize from different angles the folly and the wrong of a single nation attempting to perform what is essentially a world task. \* \* \* Our fellow-countrymen of today must 'think internationally;' that is, they must think not 'continentally' in terms of the United States, and



not only in terms of all America, but also in terms of the entire family of nations."

MONROE DOCTRINE ARGUED BEFORE POLITICAL SCIENCE ACADEMY.

That the principle of the Monroe Doctrine is just as much alive now as it ever was and that President Monroe's declaration is not an "obselete shibboleth," was the trend of discussion at the annual meeting of the American Academy of Political and Social Science in Philadelphia in April, 1915, which is considering the present international relations and obligations of the United States.

Rear Admiral Colby M. Chester urged a concert of action among the American republics in a policy of "America for the Americans," which he said was indorsed by Admiral George Dewey.

John Barrett, director general of the Pan-American Union, advocated a "Pan-American policy," in which each one of the twenty American countries should have the same independence as the United States, in order to eliminate any sense of fear on the part of Central and South American states as to United States aggression.

A. Maurice Low, of London, a British journalist, was introduced as a speaker who would give the European attitude toward the Monroe Doctrine. Mr. Low said it would be easier to explain the attitude of Europe if Europe knew what the Monroe Doctrine really was.

He believed a nation that assumes protection over other states should also assume the responsibility of seeing that these smaller countries carry out their obligations with other nations.

PRESIDENT WILSON'S LATIN-AMERICAN POLICY.

Latin-America was to see an "emancipation from subordination which has been inevitable to foreign enterprises," and in gaining that freedom it could rely upon the disinterested friendship of the United States, and one of the duties of friendship was to see, "that from no quarter are material interests made superior to human liberty and national opportunity." Do not think, he warned, "that questions of the day are mere questions of policy and diplomacy. They are shot through with the principles of life. We dare not turn from this principle, that morality and not expediency is the thing that must guide us, and

that we will never condone iniquity because it is most convenient to do so."

President Wilson has given us a new interpretation of the Monroe Doctrine, was the general comment after the delivery of his speech. He made it plain, public men and the Press agreed, that even less to be tolerated than political control was financial mastership. The Monroe Doctrine recognized the danger of European political domination over the Americas, but modern conditions had made financial ownership a greater menace. The Monroe Doctrine was a warning to Europe not to attempt colonization, but it did not specifically set forth the duties and responsibilities of the United States. That omission President Wilson has supplied. The advantages conferred upon the United States by the Monroe Doctrine impose a moral obligation. It is the duty of the United States, not alone to protect the political entity of Latin-America, but also to preserve its financial independence; to save it from its own weakness; to prevent it becoming the victim of concessionaires, whether they be American, or European; to enable Latin-America to be developed without selling itself into bondage; to encourage Latin-America to respect itself so that it may have the respect of the world.

That, in substance, is President Wilson's foreign policy. It means a new era in Central America. It means that the principle laid down by Mr. Wilson that a revolution is not in itself sufficient to confer a valid title to a Presidency will discourage revolution, and that future American Presidents will be more cautious in recognizing rulers who have substituted force for constitutional methods. It means peace where now no peace prevails. It means, eventually, a contented and prosperous Latin-America in whose contentment and prosperity other nations will share. Mr. Wilson has placed the relations existing between Latin-America and the rest of the world on a different basis from those hitherto existing and more in harmony with the enlightened spirit of the age. He has taken a long step forward. Under his guidance civilization advances.

#### WE MUST NOT RETROGRADE.

After the world, or what is denominated civilization, has progressed to the height attained through so much labor in this twentieth century, it becomes every liberal government, especially the United States government, to hold what has been gained and not to make any backward step.

A citizen of the United States is subject to the provisions of the constitution, and national, state, and municipal laws, but

not to an individual king, czar, or prince, as is the case in many other countries. He is not born subordinate to any distinct class of men who happen to be born in an artificially-created, higher political or social zone in the nation. Each man and woman is a separate entity, independent by nature and the laws of the country. No person has any inherited power or control over any other individual except perhaps the control for a limited period by parents or guardians.

The constitutions of states and of the national government, together with the laws of the country, have been created for the protection of citizens, and they are expected and will be compelled to obey the provisions enacted by these laws and the constitutions, but no individual ruler inherits the right to demand obedience to his individual will outside of, and independent of, these constitutions and laws.

Abraham Lincoln has practically solved the problem of the power and utility of a written constitution adapted to a republic, or to a representative democracy, and its stability when assailed by enemies from within, as was the case in the civil war. Had he failed as the executive and commander-in-chief of the army and navy, or had the people failed to support him with the necessary resources and military power, organized to meet emergencies in maintaining the constitution in its integrity and the Union in its entirety, democratic constitutional government would have lost its prestige throughout the world. Now many other nations are following out our system of constitutional government, based as near as possible on the representative principles, believing from our experience that it is the best form of government known, for a people desiring stability, freedom and happiness.

EXTRACT FROM A SPEECH BY JAMES A. GARFIELD.

It is well to know the history of those magnificent nations whose origin is lost in fable, and whose epitaphs were written a thousand years ago; but if we cannot know both, it is far better to study the history of our own nation, whose origin we can trace to the freest and noblest aspirations of the human heart—a nation that was formed from the hardest, purest and most enduring elements of European civilization—a nation that by its faith and courage, has dared and accomplished more for the human race in a single century than Europe accomplished in the first thousand years of the Christian era.

Some of our would-be great statesmen and alleged constitutional experts attempt to enlighten the people by affirming that the constitution, like the laws of the Medes and Persians, should

not be changed; and that if not made now in every detail for the benefit of the great mass of the people, it should not be amended so as to suit the common people, so-called, as they are not yet capable of self-government. These wise men claim that it was originally intended that a superior or privileged class only should be permitted to dominate, and that no restrictions should be removed which were contained in the constitution as handed down to us by its creators.

They forget, however, that the people possess the right of universal suffrage, and that even if not competent, as these wise men allege, to control the government, and shape it to suit their wishes by their votes, they do and will control the situation. And who is strong enough to deprive them of their suffrage?

In a letter written April 4, 1864, by Mr. Lincoln to Mr. George C. Hodges of Frankfort, Kentucky, he said: "I felt that measures otherwise unconstitutional might become lawful by becoming indispensable to the preservation of the constitution through the preservation of the nation."

Each generation has the power to shape the constitution and the laws of the United States to suit its immediate, or future requirements, and no individual has the right or possesses the power to interfere, no matter how he may regard the ability of the people to choose for themselves.





## CHAPTER IX.

## THE THIRTEENTH AMENDMENT.

In 1864 a joint resolution to prohibit slavery in the United States was introduced into the House by the Hon. James M. Ashley of Ohio, and in the Senate by Hon. Charles Sumner of Massachusetts, and Hon. J. H. Henderson of Missouri. Senator Trumbull of Illinois on the judiciary committee, to whom the Senate resolutions were referred, reported a substitute for the amendment, which was passed in the Senate April, 1864, but failed to pass the House. On the last day of January, 1865, the House passed the constitutional amendment abolishing slavery by vote of 119 to 56, and on the 8th of February it was passed in the Senate. It was ratified first by Illinois and by most of the Northern states in six months. Secretary Seward announced the final ratification of the Thirteenth Amendment, December 18th, 1865, as follows:

Thirty-eighth Congress of the United States of America: At the Second Session. Begun and held at the City of Washington, on Monday, the fifth day of December, one thousand eight hundred and sixty-four.

A RESOLUTION submitting to the legislatures of the several States a proposition to amend the Constitution of the United States.

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of both houses concurring): That the following article be proposed to the legislatures of the several States as an Amendment to the Constitution of the United States, which, when ratified by three-fourths of said legislatures, shall be valid, to all intents and purposes, as a part of the said Constitution, namely: Article XIII. Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction. Section 2. Congress shall have power to enforce this article by appropriate legislation.

SCHUYLER COLFAX,

Speaker of the House of Representatives.

H. HAMLIN,

Vice-President of the United States,  
and President of the Senate.

Approved February 1, 1865.—ABRAHAM LINCOLN.

McClain, in his *Constitutional Law in the United States*, says: "Since the abolition of slavery throughout the United States and by the adoption of the Thirteenth Amendment, this provision has ceased to have any practical value, though it doubtless applies to apprentices and perhaps might apply to persons convicted of crime in one state and sentenced to labor as punishment but who have subsequently escaped to another state:" Page 270.

#### FOURTEENTH AMENDMENT.

Thirty-ninth Congress of the United States, at the First session, begun and held at the City of Washington, in the District of Columbia, on Monday, the fourth day of December, one thousand eight hundred and sixty-five.

Joint Resolution proposing an amendment to the Constitution of the United States:

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of both Houses concurring,) That the following article be proposed to the legislatures of the several States as an Amendment to the Constitution of the United States, which, when ratified by three-fourths of said legislatures, shall be valid as part of the Constitution, namely:

Article XIV. Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2. Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the pro-

portion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each house, remove such disability.

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

SCHUYLER COLFAX,  
Speaker of the House of Representatives.

LA FAYETTE S. FOSTER,  
President of the Senate pro tempore.

Attest:

EDWD. MCPHERSON,  
Clerk of the House of Representatives.

J. W. FORNEY,  
Secretary of the Senate.\*

"The Fourteenth Amendment was adopted on account of fear that the negroes recently emancipated from slavery, and who prior to the adoption of that amendment had not been uniformly regarded as citizens, would be deprived in some of the states of their civil rights. But the language of the Amendment goes further than to make the negroes citizens, and guarantees to

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\*The fourteenth amendment being declared by a concurrent resolution of Congress, adopted July 21, 1868, to have been ratified by "three-fourths and more of the several States of the Union," the Secretary of State was required duly to promulgate the text. He accordingly issued a proclamation, dated July 28, 1868, declaring the amendment to have been ratified by thirty of the thirty-six States.

them the privileges and immunities of citizenship. It is unlimited in its scope and has been so interpreted.”—(Paragraph 259, McClain’s Constitution of the United States).

THE FIFTEENTH AMENDMENT.

Fortieth Congress of the United States of America; at the third Session. Begun and held at the city of Washington, on Monday, the seventh day of December, one thousand eight hundred and sixty-eight.

A RESOLUTION proposing an amendment to the Constitution of the United States:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of both Houses concurring) That the following article be proposed to the legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said legislatures shall be valid as part of the Constitution, namely:

Article XV. Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State on account of race, color, or previous condition of servitude.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

SCHUYLER COLFAX,  
Speaker of the House of Representatives.  
B. F. WADE,  
President of the Senate pro tempore.

Attest:

EDWD. MCPHERSON,  
Clerk of House of Representatives,  
GEO. C. GORHAM,  
Secy. of Senate U. S.\*

In most of the southern states, however, where slavery previously existed, the negro population is now practically deprived of the right of suffrage given it by the Fifteenth Amendment, notwithstanding the provision.

The Fifteenth Amendment to the Constitution, if strictly construed, might be held to prevent the exclusion of the Japanese or Chinese from citizenship in the United States.

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\*The fifteenth amendment was declared in a proclamation of the Secretary of State, dated March 30, 1870, to have been ratified by twenty-nine of the thirty-seven States.

It may require restrictions on all immigrants to this country, to prevent undesirable persons from landing either on our eastern or western shores, without discrimination between the races. An educational qualification is one point. Loyalty to our government is another point. The ability to maintain themselves unless possessed of means or ability to provide for a living is another point. These requirements should be demanded of immigrants landing in this country.

Bills having that purpose are now before the Congress.

SIXTEENTH AMENDMENT.

Sixty-first Congress of the United States of America; at the First Session, Begun and held at the City of Washington on Monday, the fifteenth day of March, one thousand nine hundred and nine.

JOINT RESOLUTION proposing an amendment to the Constitution of the United States:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution:

"Article XVI. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration."

J. G. CANNON,  
Speaker of the House of Representatives.

J. S. SHERMAN,  
Vice-President of the United States and  
President of the Senate.

Attest:

A. McDOWELL,  
Clerk of the House of Representatives.

CHARLES G. BENNETT,  
Secretary.

By HENRY H. GILFRY,  
Chief Clerk.



## [INDORSEMENT.]

I certify that this Joint Resolution originated in the Senate.

CHARLES G. BENNETT,  
Secretary.

By HENRY H. GILFRY,  
Chief Clerk.\*

## SEVENTEENTH AMENDMENT.

Sixty-second Congress of the United States of America; at the Second Session. Begun and held at the City of Washington on Monday, the fourth day of December, one thousand nine hundred and eleven.

JOINT RESOLUTION Proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That in lieu of the first paragraph of section three of Article I of the Constitution of the United States, and in lieu so much of paragraph two of the same section as relates to the filling of vacancies, the following be proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the States:

“The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

“When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

“This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.”

CHAMP CLARK,  
Speaker of the House of Representatives.  
J. S. SHERMAN,  
Vice-president of the United States and  
President of the Senate.

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\*The sixteenth amendment was declared in a proclamation of the Secretary of State, dated February 25, 1913, to have been ratified by thirty-eight of the forty-eight States.

## [INDORSEMENT.]

I certify that this Joint Resolution originated in the House of Representatives.

SOUTH TRIMBLE,  
Clerk.\*

The Seventh Amendment gives the people the right to vote direct for senators of the United States, which will do away with the abuse of power exercised by the members of the state legislature. Rich and powerful corporations that wished to have a representative in the Senate to look after their interests, have for many years spent large sums of money in the state legislatures, in order to have a senator chosen who would do their bidding. The result of this was to take the selection of the senator, who was supposed to represent an entire state, away from the people, and place his selection in the hands of the monopolist and the beneficiaries of special legislation.

Some of the framers of the Constitution, especially Hamilton, were skeptical as to the ability of the people to govern themselves and therefore they thought to remove from the people the election of the members of the upper house. So they gave the power to the legislatures of the states to elect the senators. The same reasoning was responsible for the election of the president by the electoral college. Could Hamilton, Jefferson, Washington and Franklin have lived to the present day they undoubtedly would declare with one voice that the people are in every case better qualified as a body to elect senators, and much less liable to corrupting influences, than combinations of men brought together as our present legislatures are, with party jealousies, personal ambitions, greed for power, place and money ever predominating.

The evils occasioned by the election of senators in the old way were notorious, and cropped out in nearly every state in the Union, demonstrating the utter failure of the system to secure good results. Many senators purchased their places with cold-blooded contempt for popular disapproval, and kept out competent and honest men from the position. After thus purchasing their places, they systematically co-operated with corporations and trusts to defeat the will of the people.

If the people can be relied upon to elect representatives to congress for two years, and governors of states and mayors of cities, they surely can be trusted to elect United States senators

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\*The seventeenth amendment was declared in a proclamation of the Secretary of State, dated May 31, 1913, to have been ratified by thirty-six of the forty-eight States.

for six years. The quicker they begin doing this the better. Thus the state legislatures can employ their time passing needed legislation for the people, instead of wrangling over United States senatorships and in the sale and barter of votes.

The more the people are relied upon and trusted in direct elections the better they will respond.

#### THE REFERENDUM.

It is very probable that another amendment will be added to the Constitution providing for the Referendum. If the people desire this, they will have it, no matter what constitutional lawyers and politicians may say about their lack of capacity to meet the requirements of such a provision. Like the will of the Czar of Russia, the will of the majority in this country is absolute, no matter who objects to it. It is as safe as the will of the Czar or a privileged class in any country.

#### FEMALE SUFFRAGE.

The right of suffrage in the United States should be extended to all female citizens over twenty-one years of age on the same conditions as it is exercised by male citizens.

#### FEDERAL CONTROL OF CHILD LABOR.

The general government should have full authority throughout the United States and their possessions to regulate and protect the development and health of children and prevent their enslavement and detrimental employment.

#### TEXT OF HOBSON AMENDMENT FOR NATION-WIDE PROHIBITION.

The text of Representative Hobson's proposed amendment to the constitution providing for prohibition follows:

Section 1—The sale, manufacture for sale, transportation for sale, exportation for sale, and importation for sale of intoxicating liquors for beverage purposes in the United States and all territory subject to the jurisdiction thereof are forever prohibited.

Section 2—Congress shall have power to provide in favor of the manufacture, sale, importation, and transportation of intoxicating liquors for sacramental, medicinal, mechanical, pharma-

ceutical, or scientific purposes or for use in the arts, and shall have power to enforce this article by all needful legislation.

The resolution carries a preamble setting forth that science has demonstrated alcohol to be narcotic poison and reciting its evil effects.

RESOLUTION TO EXTEND SUFFRAGE TO WOMEN, MAY, 1914.

Joint resolutions proposing amendments to the federal constitution to extend the right of suffrage to women and for nationwide prohibition were ordered favorably reported without recommendation to the House by the judiciary committee. This leaves both proposals to the House for decision and with prospect that votes may be called for. The two measures immediately will be put upon the House calendar. The woman suffrage amendment was introduced by Representative Mendell of Wyoming.

It is the first time that a national prohibition question has so nearly confronted either branch of Congress, and it is 24 years since a woman suffrage constitutional amendment resolution has been reported to House or Senate.





## CHAPTER X.

## SWITZERLAND.

The most interesting constitution outside of the United States Constitution, for an American to study, is that of Switzerland. It resembles our own in a great many respects but has some features which it would be desirable to incorporate into ours. One of these is the *referendum*, which in some cases is compulsory. After a law or an act of the Assembly has been passed, it is submitted to the people to be ratified or rejected by them. This has been found highly satisfactory, and it has been demonstrated that it is a much easier way for the people to obtain what they want, than to have an election and change their representatives.

Another feature which has been found highly satisfactory is the Federal Council. This body is chosen by the Federal Assembly, which has been chosen by the people. At first in the United States, between 1800 and 1816, the presidents were nominated by caucuses of congressmen, but later they were nominated by national conventions. This Council contains seven members, and is practically unchangeable, as the old members are nearly always reelected. Since 1848, two members only who were willing to serve failed to be reelected. Between 1848 and 1893, there have been only thirty-one Federal Councilors, seven still in office. Fifteen members held the position over ten years, four members twenty years, and one member thirty years. Each member is at the head of a separate department. The president, who is also elected by the Assembly, holds his office for one year and cannot be elected the succeeding year. He acts as chairman. All the members of the Council have the right to speak in either chamber of the Assembly, of which they avail themselves whenever their presence is required, or indeed, whenever they wish to take part in the debate; but they cannot vote.

"Swiss democracy \* \* \* flows from two different sources; on the one hand, from certain primitive Germanic institutions, preserved during the Middle Ages by the people of the High Alps; on the other, from the principles of the French Revolution, implanted at the close of the last century in the large cantons, and which have flourished in a soil long since prepared for them by the Reformation. \* \* \*

"From the Germanic tradition proceeds the spirit of local independence, the 'cantonalism', from the Latin genius, the idea of unity. \* \* \*

"The first 'Helvetic Constitution' was drawn up in Paris, in Nivose, Year VI., upon the model of the constitution of the year III. The plan was elaborated at Bonaparte's suggestion, by a magistrate from Basel, Peter Ochs, then upon a mission to the French government. Ochs held conferences in regard to the matter with Lareveillère-Lepaux, Rewdell, and Daunou. \* \* \*"  
(Charles Borgeaud, *Constitutions of Europe and America*, 1895).

#### THE SWISS CONFEDERATION.

A. Lawrence Lowell, in his admirable work on Governments in Continental Europe, on page 185, Vol. II, says that "the Swiss Confederation resembles our own in being a union of states possessing equal rights, but the distribution of power between those states and the central government is based on quite a different plan from that which prevails here. On this point Switzerland is much more closely akin to Germany than to America; for instead of assigning to the federal and state governments separate spheres of action, the Swiss, like the Germans, have combined legislative centralization with administrative decentralization, the federal laws being carried out as a rule by the cantonal authorities." "The Swiss Confederation is, on the whole, the most successful democracy in the world. Unlike almost every other state in Europe, it has no irreconcilables—the only persons in its territory who could in any sense be classed under that name being a mere handful of anarchists, and these, as in our own land, are foreigners. The people are contented. The government is patriotic, far-sighted, efficient and economical, steady in its policy, not changing its course with party fluctuations. Corruption in public life is almost unknown, and appointments to office are not made for political purposes by the federal authorities, or by those of most of the Cantons. Officials are selected on their merits, and retained as long as they can do their work, and yet the evils of bureaucracy scarcely exist. All this bears witness to the capacity of the Swiss for self-government, and to the integrity and statesmanship of their rulers." Page 334.

"Athens, like Switzerland, was at one time a democracy. In the time of Demosthenes questions of peace and war, army and fleet, and questions of finance were placed in the hands of an assembly of the people which handled them directly as far as possible or by means of a committee chosen for short periods by lot."

The President of the Swiss Republic wrote: "Switzerland,

from the sincere sympathy which she has for the Union, looks with anxiety upon the issue of events which now shake that country. Switzerland passed through a similar crisis fourteen years ago, which threatened to tear asunder the then loose connection of the twenty-two cantons. But renewed, rose the present confederation from that tempest, strengthened internally and abroad, she now stands there esteemed by the nations. May God grant that the United States of America may also emerge renewed and strengthened out of this crisis."

The Constitution of Switzerland, made in 1848, was amended in 1874, and the powers of the federal authorities was increased by another constitution, which has been amended from time to time. For full particulars of the Swiss Confederation, see "Comparison of Swiss and United States Political Institutions," by Sir Francis Ottwell Adams, K. C., M. A., C. B.; and C. D. Conningham. This contains translation of Constitution of Switzerland. See also "The Governments of Continental Europe," by Frederic Austin Ogg, 1913; and "Modern Constitution" by Walter F. Dodd.

Professor Frederic Austin Ogg says: "The adoption of the constitution of 1848 ensured a modified revival of the governmental regime of 1798-1803, comprising a distinct victory for the Radical or Centralist party. During the two decades which followed, this party maintained complete control of the federal government, and in 1872 it brought forward the draft of a new constitution whose centralizing tendencies were still more pronounced. By popular vote this proposed constitution was rejected. Another draft however was proposed and April 19, 1874. By a vote of 14½ Cantons against 7½ it was adopted. The popular vote was 340,149 to 198,013.

"As a recent writer has said, 'the one region on the continent to which the storms of 1848 brought immediate advantage was Switzerland, for to them it owes its transformation into a well-organized federal state.'—(W. Oechsli, in *Cambridge Modern History*, XI, 234.)

"The Federal Tribunal, which corresponds with our Supreme Court, is unlike the latter in one important point, namely: it is bound by an express provision of the constitution to apply every law passed by the Federal Assembly [See Art. I., 113]. "It has, therefore, none of the peculiar authority vested in the Supreme Court of holding statutes unconstitutional, and none of the exalted dignity which that authority conveys," says A. Lawrence Lowell.

In the Standard Oil case, the Supreme Court of the United States, in its desire to overthrow and nullify an act of Congress,

took the unwarranted liberty of interpreting an act of Congress by the "rule of reason" instead of literally.

So in the Dred Scott case, Judge Taney's definition and status of a negro was not justified by any express statement in the constitution. He also took the position that slavery could be extended into the Territories, or was not excluded from the Territories by anything that the constitution contained.

The powers granted to the Supreme Court, under our constitution, are too great for a republican form of government, which is formed to carry out the will of an independent people. The government rests in the people and it should not be claimed that it rests in a body of men appointed for life, who are given the power to set aside the laws enacted by the representatives of the people. This tends to an oligarchical form of government.

"The sovereignty of the Cantons resides in the people of each Canton and at the commencement of their constitution words clearly enunciating this principle are inserted. According to the first article of the constitution which Zurich adopted in 1869, the power of the state rests upon the totality of the people, and is exercised directly through the vote-possessing citizen [Aktiv-burger] and indirectly through the authorities and officials."

"The constitution of 1815, which restored to the cantons almost all of their former independence, continued in force until 1848."

## CONSTITUTION OF THE SWISS CONFEDERATION.

(May 29, 1874.)

IN THE NAME OF ALMIGHTY GOD:

The Swiss Confederation, desiring to confirm the alliance of the Confederates, to maintain and to promote the unity, strength, and honor of the Swiss nation, has adopted the following federal constitutions:

### CHAPTER I. GENERAL PROVISIONS.

*Article 1.* The peoples of the twenty-two sovereign cantons of Switzerland, united by this present alliance, viz.: Zurich, Bern, Luzern, Uri, Schwyz, Unterwalden (Upper and Lower), Glarus, Zug, Freiburg, Solothurn, Basel (urban and rural) Schaffhausen, Appenzell (the two Rhodes), St. Gallen, Grisons, Aargau, Thurgau, Ticino, Vaud, Valais, Neuchatel, and Geneva, form in their entirety the Swiss Confederation.



*Article 2.* The purpose of the Confederation is, to secure the independence of the country against foreign nations, to maintain peace and order within, to protect the liberty and the rights of the Confederates, and to foster their common welfare.

*Article 3.* The cantons are sovereign, so far as their sovereignty is not limited by the federal constitution; and, as such, they exercise all the rights which are not delegated to the federal government.

*Article 4.* All Swiss are equal before the law. In Switzerland there are neither political dependents, nor privileges of place, birth, person, or family.

*Article 5.* The Confederation guarantees to the cantons their territory, their sovereignty within the limits fixed by Art. 3, their constitutions, the liberty and rights of the people, the constitutional rights of citizens, the rights and powers which the people have conferred upon those in authority.

*Article 14.* In case of differences arising between cantons, the states shall abstain from violence and from arming themselves; they shall submit to the decision to be taken upon such differences by the Confederation.

*Article 15.* In case of sudden danger of foreign attack, the authorities of the threatened canton shall request the aid of other members of the Confederation and shall immediately notify the federal government; the subsequent action of the latter shall not thereby be precluded. The cantons summoned are bound to give aid. The expenses shall be borne by the Confederation.

*Article 18.* Every Swiss is bound to perform military service.

Soldiers who lose their lives or suffer permanent injury to their health, in consequence of federal service, are entitled to aid from the Confederation, for themselves or their families, in case of need.

Each soldier shall receive without expense his first equipment, clothing and arms. The arms shall remain in the hands of the soldier, under conditions which shall be prescribed by federal legislation.

The Confederation shall enact uniform provisions as to a tax for exemption from military service.

*Article 19.* The federal army shall be composed:

(a) Of the cantonal military corps.

(b) Of all Swiss who do not belong to such military corps, but who are nevertheless liable to military service.

The Confederation exercises control over the army and the material of war provided by law.

In cases of danger, the Confederation shall also have the ex-



clusive and direct control of men not included in the federal army, and of all other military resources of the cantons.

The cantons shall have authority over the military forces of their territory, so far as this right is not limited by the federal constitution or laws.

*Article 20.* The laws on the organization of the army shall be enacted by the Confederation. The enforcement of military laws in the cantons shall be intrusted to the cantonal officials, within limits which shall be fixed by federal legislation, and under the supervision of the Confederation.

Military instruction of every kind shall be under the control of the Confederation. The same applies to the equipment of troops.

The furnishing and maintenance of clothing and equipment shall be within the power of the cantons; but the cantons shall be credited with the expenses therefor, according to a regulation to be established by federal legislation.

*Article 21.* So far as military reasons do not prevent, corps of troops shall be formed from soldiers of the same canton.

The composition of these bodies of troops, the maintenance of their effective strength, the appointment and promotion of their officers shall belong to the cantons, subject to general regulations which shall be issued to them by the Confederation.

Note: The military organization law of April 12, 1907, imposes the obligation to perform military service upon every male Swiss citizen between the ages of twenty and forty-eight years.

*Article 22.* Upon the payment of a reasonable compensation, the Confederation shall have the right to use or acquire drill-grounds and buildings intended for military purposes, within the cantons, together with the appurtenances thereto.

The method of fixing the compensation shall be settled by federal legislation.

Note: (under Art. 24): The utilization of hydraulic power is placed under the supervision of the Confederation. With reference to the proper utilization of hydraulic power and with reference to the transmission and distribution of electric power, federal legislation shall provide the general regulations necessary to safeguard the public interests. With the reservation of such regulation, the cantons shall have power to regulate the exploitation of hydraulic power.

*Article 31.* The freedom of trade and of industry is guaranteed throughout the whole extent of the Confederation. The following subjects are excepted:

(c) (Drinking-places, and the retail trade in spirituous liquors, in order that the cantons may by legislation subject the business of keeping drinking-places, and the retail trade in

spirituous liquors, to such restrictions as may be required for the public welfare).

Note: The manufacture, importation, transportation, sale, or keeping for the purpose of sale, of the distilled liquor known under the name of absinthe is forbidden throughout the whole extent of the Confederation.

*Article 32.* The net proceeds to the Confederation from the manufacture of alcohol, and from the corresponding increase of the duty on imported alcohol, shall be divided among all the cantons, in proportion to their actual population as established by the most recent federal census. Out of the receipts therefrom the cantons must expend not less than one-tenth in combating drunkenness in its causes and effects.)

*Article 36.* The posts and telegraphs in all Switzerland shall be controlled by the Confederation.

The proceeds of the posts and telegraphs shall belong to the federal treasury.

*Article 41.* The manufacture and sale of gunpowder throughout Switzerland shall belong exclusively to the Confederation.

*Article 50.* The free exercise of religion is guaranteed, within limits compatible with public order and good morals. The Cantons and the Confederations may take the measures necessary for the preservation of public order and of the peace between the members of different religious bodies; and also against encroachments of ecclesiastical authorities upon the rights of citizens of the State.

*Article 52.* The foundation of new convents or religious orders, or the re-establishment of those which have been suppressed, is forbidden.

Children born before marriage are made legitimate by the subsequent marriage of their parents.

*Article 55.* The freedom of the press is guaranteed.

*Article 69.* (ii) The Confederation shall have the power to enact laws:

(a) Concerning traffic in food products.

(b) Concerning traffic in other articles of use and consumption, in so far as they may be dangerous to life and health., etc.

*Article 70.* The Confederation may expel from its territory foreigners who endanger the internal or external safety of Switzerland.

## CHAPTER II. FEDERAL AUTHORITIES.

## I. FEDERAL ASSEMBLY.

*Article 71.* With the reservation of the rights of the people and of the cantons (Arts. 89 and 121), the supreme authority of the Confederation shall be exercised by the Federal Assembly, which shall consist of two sections or councils, to wit:

- A. The National Council;
- B. The Council of States.

## A. NATIONAL COUNCIL.

*Article 72.* The National Council shall consist of representatives of the Swiss people, chosen in the ratio of one member for each 20,000 persons of the total population. Fractions of upwards of 10,000 persons shall be reckoned as 20,000.

Every canton, and in the divided cantons every half-canton, shall choose at least one representative.

*Article 73.* The elections for the National Council shall be direct. They shall be held in federal electoral districts, which in no case shall be formed out of parts of different cantons.

*Article 74.* Every Swiss who has completed twenty years of age, and who in addition is not excluded from the rights of a voter by the legislation of the canton in which he resides, shall have the right to vote in elections and popular votes.

## B. COUNCIL OF STATES.

*Article 80.* The Council of States shall consist of forty-four representatives of the cantons. Each canton shall appoint two representatives; in the divided cantons, each half-canton shall choose one.

*Article 81.* The members of the National Council and those of the Federal Council may not be representatives in the Council of States.

*Article 82.* The Council of States shall choose from among its own members a president and a vice-president for each regular or extraordinary session.

## C. POWERS OF THE FEDERAL ASSEMBLY.

*Article 84.* The National Council and the Council of States shall consider the subjects which the present constitution places within the competence of the Confederation and which are not assigned to any other federal authority.

The act of June 27, 1874, gives the Federal Tribunal power to hold a Cantonal law invalid on account of being contrary to the constitution. Conflicts of jurisdiction between a Federal

Tribunal and a Cantonal authority are decided by the Federal Tribunal itself. Conflicts between the Federal Council and the Federal Tribunal are decided by the Federal Assembly. [Constitution Art. 85, Par. 13.]

In regard to the growth of authority of national government, see collection of Cantonal Constitutions published by the federal government in 1890.

*Article 93.* Measures may originate in either Council, and may be introduced by any of their members.

The cantons may by correspondence exercise the same right.

Note: On March 6, 1906, the Federal Council presented to the Federal Assembly a project for the revision of the constitution extending popular initiative to federal legislation. This project was debated in the National Council in December, 1906, and was referred back to the Federal Council for a further report; it will probably be adopted in substance if not in the exact form as proposed. The project of the Federal Council adds two articles to the constitution, between Arts. 93 and 94, and reads as follows:

Art. 93 (ii). Fifty thousand Swiss voters or eight cantons shall have the right to demand the passage, modification, or repeal of a federal law, as well as the modification or repeal of a federal decree of general application.

## LL. FEDERAL COUNCIL.

*Article 95.* The supreme directive and executive authority of the Confederation shall be exercised by a Federal Council, composed of seven members.

*Article 96.* The members of the Federal Council shall be chosen from three years, by the National Council and Council of States in Joint session, from among all the Swiss nations eligible to the National Council. But not more than one member of the Federal Council shall be chosen from the same canton.

*From Article 98.* The president of the confederation and the vice-president of the Federal Council shall be chosen for one year by the Federal Assembly, from among the members of the Council. The retiring president shall not be chosen as president or vice-president for the ensuing year.

*Article 101.* The members of the Federal Council shall have the right to speak, but not to vote, in both houses of the Federal Assembly, and also to the right to make motions on the subject under consideration.

## III. FEDERAL CHANCELLERY.

*Article 105.* A Federal Chancellery, at the head of which is placed the chancellor of the Confederation, shall perform the duties of secretary for the Federal Assembly and the Federal Council.

The chancellor shall be chosen by the Federal Assembly for the term of three years, at the same time as the Federal Council.

## IV. FEDERAL COURT.

*Article 106.* There shall be a Federal Court for the administration of justice in Federal Matters.

There shall, furthermore, be a jury for criminal cases. (Art. LL2.)

*Article 107.* The members and alternates of the Federal Court shall be chosen by the Federal Assembly, which shall take care that all three national languages are represented therein.

## CHAPTER III. AMENDMENT OF THE FEDERAL CONSTITUTION.

*Article 118.* The federal constitution may at any time be amended, in whole or in part.

*Article 121.* Partial revision may take place either by popular initiative or in the manner provided for the passage of federal laws.

The popular initiative shall consist of a petition of fifty thousand Swiss voters for the adoption of a new article or for the abrogation or amendment of specified articles of the constitution.

(In the preparation of this text assistance has been received from the translation made by Professor A. B. Hart and issued in "Old South Leaflets", No. 18, and from that of Professor E. J. James, Philadelphia, 1890. Walter Fairleigh Dodd).

The constitution is not given in full, but only its more prominent features. See *Modern Constitution* by Walter F. Dodd for entire text.

## THE LANDSGEMEINDE.

"This institution which resembles the old New England town meeting, is a survival of the primitive Teutonic folk-note, and still exists in two cantons and four half-cantons."



"On a Sunday morning in May, the Landamman, or Chief Magistrate of the Canton, accompanied by attendants, dressed in the black and yellow livery of Uri, and bearing the huge horns of a wild bull, starts for the meadow, followed by all the people. When the procession reaches the spot, the Landamman takes his seat at a table in the center of the field, while the men fill the space around him, and the women and children stand upon the rising ground beyond.

"The measures to be proposed are brought forward, freely debated and voted upon by the citizens, and finally the officers are elected for the ensuing year.

"The form of the proceeding is similar to that of the New England Town Meeting and must have the same value as a means of political education."—A. Lawrence Lowell, Vol. II, page 222; Adams, page 130-32.

In the Landesgemeinde Cantons, all powers are exercised by the assembly of citizens, meeting at fixed times in veritable *Champs de Mai*. Any member of the Landesgemeinde has the right to present any bill. This is the first and most essential of his prerogatives. It is restricted simply by the necessity of presenting the petition in time to get it upon the order of the day (Memorial), which must be published in advance. Sometimes a small number of signatures is required.

In 1869, the Grand Council of Zurich ceased to exist, or at least ceased to possess legislative power and the people declared in their new constitution that they would exercise the power themselves, with the assistance of a cantonal council (Kantonsrath). This sanction of the principle of direct legislation was not followed by the introduction of the Landesgemeinde. Such an institution cannot be suddenly created. In order to realize the great industrial and agricultural canton the advantages which the citizens of the forest canton were seen to possess recourse was had to the obligatory referendum and the right of popular initiative. It was provided that the laws whose preparation was given to Kantonsrath, should all be submitted to the people for approval, and that the right to propose new ones or to move the abrogation of existing provisions should belong to the voters as well as their representatives."—Charles Borgeaud, *Constitutions in Europe and America*, 1895.

#### SWITZERLAND THE PORCUPINE OF EUROPE.

Lieut. Frederick Kuenzli, late of the Swiss army, gives the following account of the Swiss military system: Switzerland does not want war, and, therefore, created a system of defense that keeps her immune from attack by a neighboring nation.

Germany, France, Italy and Austria know that the Swiss system and Army is not only theoretically a good defensive system, but also a practical one, or else what would keep the millions of French and Italians from going through Switzerland and hitting at the most vital parts of Germany? Or what, if not the Swiss Army, keeps the Germans from hurling their armies by the good roads of Switzerland to France and Italy? That none of the four nations at war that hem in the little Alpine republic dares to make Switzerland the link to get at the other, like unfortunate Belgium was made, is a tacit admittance of the practical merit of Helvetia's military system and army.

The introduction of the "Infantry Drill Regulations of the United States Army" reads: "Success in battle is the ultimate object of all military training, success may be looked for only when the training is intelligent and thorough."

Thorough and intelligent military training is exactly what the Swiss training system offers to her male population, and the efficient and uniform way in which the young Swiss is educated to defend his property, his liberties and pursuance of happiness, must bring success if he is put to the test. Switzerland tries to make her sons well-disciplined soldiers and good marksmen. Thanks to the training in schools, cadet corps and preparatory courses, 70 per cent. of the Swiss that enter the service are already physically well-trained men and competent marksmen. To acquire discipline the young man is made to grow into it by a system of physical training that forms a part of the school education. The great educator, Henry Pestalozzi, pointed the way for physical exercises that were to correspond to the physiological and natural development of the boy. In his educational operations Pestalozzi always regarded the child as an indissoluble whole, an organized unit, endowed with manifold faculties of body, mind and heart, and thought that the development of the one was inseparable from the true evolution of the others and must be mutual.

The best form of the needed physical exercises for boys and in the meantime a great help to learn discipline, was found to be the exercises as contained in the military drill regulations of the Swiss Army. Therefore, the whole physical training of the Swiss boy in school, which begins at his tenth year and extends to the year he leaves school has as a basis the "Infantry Drill of the Army." There is only one manual, only one primer for the whole physical training in school and that is edited by the Swiss War Department. Needless to say that such a uniform, thorough drilling for six years, followed by instructions in cadet corps and preparatory courses makes the young man a very promising soldier. When he enters service as a recruit he is thorough-

ly acquainted as to the individual work he has to perform in his team, the work has become his second nature and automatically he executes the commands that are so familiar to his ear. He is a willing receiver for all advice and training that make him a finished soldier, efficient to take the field with hundreds of thousands of his comrades, all burning with the common spirit "One for all, all for one."

Along with the physical training in school goes the military training in cadet corps, when the boy is trained to become a hardened marcher and a good shot. The cadet wears a uniform and has a miniature model of the regulation rifle. He goes through the same instructions and rifle practices as the soldier and observes the standard exercises of the army.

Every Swiss soldier in his civil life is compelled to be a member of a rifle club, under the supervision of which he has to undergo a yearly rifle shooting test, consisting of six times six or thirty six shots with a minimum of 75 per cent. hits and 60 per cent. points. Such an ordinance compels every village and town to have a field range in which the cadet and the man in preparatory course can practice to his heart's content.

This, the preparation of the boy from his tenth to his twentieth year, is the system that can readily be transplanted to our country. The compulsory service system is something that for dozens of reasons we cannot adopt as a whole. History, geographical position, a groundstanding population of 4,000,000 enabled Switzerland to create a system that could not be introduced in a reasonable time to 100,000,000 of a migrating population.

Let us have a larger standing army and "a citizenry trained and accustomed to arms" by a voluntary system and all the demands for our land forces of national defense are fulfilled.

To say that the military training in school along the lines of the Swiss system fosters martial spirit to the sacrifice of other lines of endeavor is ridiculous, as Switzerland today is a veritable hive of industry and commerce, and has as well means to protect those pursuits from destruction by an invading foe. When did we hear from Switzerland that the profession of the civil life of the inhabitants was ever in danger of being dominated by the desire of a frivolous war? Who wants to say that our boys in public school are overburdened with hours of school? Five hours a day for 180 days a year should certainly not forbid three more hours a week for their country's good and "for mere health's sake, if nothing more," as Woodrow Wilson says.

The above is the statement of a trained Swiss soldier who is now a loyal citizen of the United States.



## CHAPTER XI.

## PORTUGAL.

## THE REVOLUTION OF THE 5TH OF OCTOBER.

The Revolution of October 5, 1910, which overthrew the monarchical regime in Portugal, was merely the outcome of another revolution on the 31st of January, 1891. On this date the Republican forces in Oporto, jointly with the parties in Coimbra and Lisbon, had planned a general uprising to take place on the same day and hour. Due to some mysterious cause the wires between Oporto, Coimbra and Lisbon were cut and the Revolutionists could not get word to one another so as to give the date and the hour for the uprising. Consequently the forces at Oporto came out on the 31st of January, while their allies in the other cities were absolutely ignorant of this move. The result of this was the defeat of the Republican forces by the Municipal Guard and the absolute failure of the first Republican uprising. However the Republicans did not remain idle. For twenty years they worked, rallying their forces and holding their followers in check, so as to prevent any false move that would again wreck their hopes.

Another movement was planned for the third of October of 1910 in which the military forces of the city of Lisbon, together with the people, were to come out and once more fight for that liberty which was denied them. But once more it seemed as if the Revolution must be delayed, for on the morning of the day set for this outbreak, their leader, Dr. Miguel Bombarda, the man who had worked and planned to make it a success, was assassinated by a lunatic. However this did not hold them back, for another man who had assisted Dr. Bombarda in his work, took upon himself the leadership of the Revolutionary forces. A few hours before the first shot was fired, the new leader, Vice Admiral Candido dos Reis, was found dead in front of his residence. It seemed as if everything was working against this movement. It seemed as if some hidden power was warning them not to carry out their plans. But the people of Portugal had suffered too long the tyrannical acts of the monarchy, the errors of every day. They could not wait any longer and on the night of 3rd of October the 16th Infantry, together with the 1st



Artillery and a body of people, marched to the Avenida da Liberdade, and there awaited the attack of the Municipal Guard, loyal to the old regime, and which was the greatest menace to the cause.

The two cruisers, S. Raphael and Adamastor, stationed in the harbor, had pledged their assistance to the Republican cause, and upon being notified of this movement, they began, several hours after, cannonading the Royal Palace and other important points where the Royalist troops were sheltered. The people came from all sides, some armed, others waiting for the first attack to take the arms they needed from the fallen. It was not a fight between the military, but one in which the people shared the danger and fought bravely for their principles. Credit must be given to the Naval Commissioner, Mr. Antonio A. Machado dos Santos, who directed the building and defense of the barricade in the Avenida da Liberdade. Here was waged the greatest fight for supremacy. The Rocio had been occupied by the 5th Infantry and another regiment and further up the avenue the Artillery watched for the Royalist forces. From Queluz came several batteries of rapid fire guns. These were still loyal to the old regime, but were insufficient, for hemmed in from all sides they fought on bravely during three days. On the morning of the 5th the cruiser D. Carlos, which up to then had been faithful to the monarchy, pulled down the blue and white of the king and hoisted in its place the green and red of the Republicans. A mighty cheer went up, for immediately after, aided by the three cruisers in the harbor, the Republican troops forced the surrender of the Royalist regiments and the Republic was finally planted firmly on Portuguese soil.

The king in his palace was anxiously waiting for an opportunity to come out and lead his forces, but his ministers held him back. He did not understand the crisis. He did not see that his counselors exploited his symbol, that they used his crown as a pawn in the game they played for riches and personal power. Educated in a Jesuitic medium, his surroundings closed his eyes to the suffering of his people. His nobles and his counselors had lost faith in the past, and they fled when danger seemed near. They fled, leaving him alone to face that mighty avalanche of popular indignation. But the Republicans were not fighting the king. They were fighting a religious power, which had such a hold in the whole nation that its word was law. This was the true cause of the Revolution, for while this power lasted the people would always be kept in ignorance. The king, just as his forefathers, had always furthered the interests of this religious sect. Blinded by the things he had been taught to believe

in, driven by the queen mother to give his all to this religious power, he did not realize the errors of every day, the tyrannical acts of the monarchy. Strengthened by that blind faith, by that fictitious power which he believed would help him in his hour of need, he drove to his doom, and on the 5th of October, 1910, five hours after the proclamation of the Republic in Portugal, he was escorted with his court, by a platoon of cavalry to the harbor, where he took a poor fisherman's boat to the yacht *Amelia*, which immediately sailed for Gibraltar. It is well to say here that the king did not leave a pauper, for he received from the Republican Government the value of his properties and lands in Portugal. With the fall of the monarchy, the separation of church and state became a reality and this series of events lead us to the promulgation of the Political Constitution of the Portuguese Republic which is given in the following pages.

A. C. COURREGE.

## POLITICAL CONSTITUTION OF THE PORTUGUESE REPUBLIC

*Promulgated by Decree of 21 of August of 1911*

TRANSLATED BY A. C. C. COURRAGE.

The National Constituent Assembly, having sanctioned unanimously in its session of 19 of June, 1911, the Revolution of 5 of October, 1910, and confirming its unbroken faith in the superior destinies of the Nation, under a regime of liberty and justice, enacts, decrees and promulgates, in the name of liberty and justice, the following Political Constitution of the Portuguese Republic.

### TITLE I

*Form of Government and Territory of the Portuguese Nation.*

Article 1 The Portuguese Nation organized in a Unitary State, adopts as form of government the Republic, in the terms given under this Constitution.

Article 2 The territory of the Portuguese Nation comprises all of the pre-existing territory up to the date of the proclamation of the Republic.

Par. The nation does not renounce the rights it may have in any territory or that it may acquire in the future.

## TITLE II

*Individual rights and guarantees.*

Article 3 The Constitution guarantees to Portuguese citizens and foreigners residing in the country the inviolability of rights of liberty, individual safety and property in the following manner:

1 No citizen shall be compelled to do or refrain from doing anything except by virtue of law.

2 The law shall be equal for all, but only that which is enacted under the terms of this Constitution is inviolable.

3 The Portuguese Republic does not admit privileges of birth or patent letters of nobility, repeals all council and nobiliary titles, and honorary orders, with all their prerogatives and regalias.

4 Civic deeds and military acts may be rewarded with special diplomas.

A Portuguese citizen cannot accept foreign decorations.

5 The State recognises the political and civil equality of all creeds and guarantees their practice within the limits compatible with public order, laws and good habits, as long as they do not offend the principles of Portuguese public rights.

6 No one shall be prosecuted for their religion nor questioned as to which they profess by any authority.

7 No one can, because of religious opinion, be deprived of a right, nor refuse to discharge any civic duty.

8 The public cult of any religion may be held in the buildings chosen for that purpose or so designated by their different followers, and they may always take the outward form of a temple; but in the interest of public order and liberty and safety of citizens, a special law will regulate the conditions of its practice.

9 The public cemeteries will have a secular character, therefore it is free for all religious cults to practice their respective rites, as long as they do not offend the public moral, the principles of the Portuguese public right and the law.

10 The education given in the public and private establishments fiscalized by the State shall be neutral in religious matters.

11 Primary education shall be compulsory and free.

12 The legislation that ended and dissolved in Portugal the "Companhia de Jesus" and its affiliated societies, no matter what their denomination, shall always be in force and all other religious congregations and monastic orders shall never again be admitted in Portuguese territory.

13 All persons shall have the right of liberty of speech,

and they shall not be liable to censure or have to obtain previous authorization, but the abuse of this right is punishable in such cases and in such manner as the law determines.

14 All persons shall have the right of reunion and association, but special laws shall determine the manner and conditions of its exercise.

15 The house of every citizen is an inviolable refuge. At night no one shall enter it except with his permission, or in case of request from within, or to help the victims of crimes or disasters. During the day no house shall be entered, except in such cases and in the manner provided by law.

16 No person shall be arrested without first being indicted, unless he be detected in the act and for the following; high treason, falsification of coins, of national banks' bills and titles of the Portuguese public debt, voluntary homicide, domestic theft, theft, fraudulent bankruptcy or arson.

17 No one shall be taken to prison, or being in prison, shall be retained there, if he will furnish proper bail, in such cases as the law will permit.

18 Except when an offender is taken in the act, no one shall be arrested unless upon the written order of the proper authority and in conformity with the express disposition of the law.

19 No one shall be imprisoned for nonpayment of costs or stamps.

20 The instructions of the judge in criminal cases shall be unbiased, assuring the offender, before and after the procedure of the trial, all the guarantees of a fair defense.

21 No person shall be sentenced except by competent authority, by virtue of a pre-existing law and in the manner prescribed by such law.

22 The penalty of death cannot be passed in any case, nor perpetual corporal penalties or of unlimited duration.

23 No penalty shall extend beyond the person of the offender, therefore there shall be no confiscation of goods, nor shall the infamy of the offender extend to his relatives in any degree.

24 The right of revision of all condemnatory sentences is guaranteed exclusively for the benefit of the person condemned.

Par. Special laws shall determine the cases and manner of revision.

25 The right of property is guaranteed except beyond the limits established by law.

26 The right to exercise any kind of labor, culture or commerce is guaranteed except in cases where it is restricted by law for public utility.

Par. Only the Legislative Power and Administrative Corps in the cases recognized as public utility, shall confer the exclusive right of any commercial or industrial exploitation.

27 No one is compelled to pay contributions which have not been voted by the Legislative Power or Administrative Corps, legally authorized to enact them, and the collection of which is not made in the manner prescribed by the law.

28 The secrecy of correspondence is inviolable.

29 The right of public assistance is recognized.

30 Every citizen may present to the Legislative or Executive Authorities, claims, complaints, or petitions, or expose any violation of the Constitution, and without the necessity of previous authorization, may require that the proper authorities make effective the responsibility of the offenders.

31 Habeas Corpus shall be granted whenever the individual suffers or is in eminent danger of suffering violence or coercion, because of illegality or abuse of power.

The guarantee of Habeas Corpus shall only be suspended in such cases as, a state of riot, rebellion, conspiracy or foreign invasion.

A special law shall regulate the extension of this guarantee and its process.

32 The position of any employee of the State, administrative bodies or companies, having contracts with the State, is guaranteed, with its inherent rights, during military service to which they may be compelled.

33 The civil status of citizens and their registration shall be under the exclusive supervision of the civil authorities.

34 If any criminal sentence is enforced, and it shall afterwards be proved, by competent legal means, that the condemnation was unjust, the condemned or his heirs, shall have the right of suing for damages and loss, and after sentence being passed under the terms of law, the damages shall be paid by the National Treasury.

35 Except in the cases named by law, no one, even though they be in an abnormal state of their mental faculties, shall be deprived of their personal liberty, without previously having judicial authorization, unless it be a case of immediate necessity, duly proved and for which shall be necessary, immediate judicial confirmation.

36 Any person interned or held in an insane asylum, may himself, or legal representative, or any relative, or friend, at any time, require the judge to make the necessary investigations, and grant his liberty if the case so requires.

37 It shall be lawful for all citizens to resist any order



that threatens their individual guarantees, if they are not legally suspended.

38 None of the Powers of State can separate, or conjunctively, suspend the Constitution, or restrict the rights stated thereof, except in such cases as are specifically mentioned in it.

Art. 4 The specification of guarantees and rights, given under this Constitution, does not exclude other guarantees and rights not enumerated, but resulting from the form of government that it establishes and of the principles consigned or resulting from other laws.

### TITLE III

#### *Sovereignty and Power of State.*

Art. 5 The sovereignty is vested essentially in the Nation.

Art. 6 The organs of National Sovereignty are, the Legislative Power, the Executive Power, and the Judicial Power, independent and harmonious in themselves.

### SECTION I

#### *Legislative Power.*

Art. 7 The Legislative Power is vested in the Congress of the Republic, formed by the two Houses, under the name of House of Deputies and Senate.

Par. 1 The members of Congress are the representatives of the Nation and not of the electoral colleges that elect them.

Par. 2 No one may be at the same time member of the two Houses.

Par. 3 No one may be Senator if he be less than thirty-five years of age nor Deputy if less than twenty-five years.

Art. 8 The House of Deputies and Senate are elected by the direct suffrage of the elector citizens.

Par. The organization of the electoral colleges of the two Houses and the process of election shall be regulated by special law.

Art. 9 The Senate shall be formed of as many Senators as may result from the election of three persons for each continental district, and adjacent islands, and of one person for each ultramarine province.

Par. For the election of Senators in each continental district and adjacent islands, their respective lists shall contain only two names.

Art. 10 For the election of the House of Deputies and Senate the electoral colleges shall meet by their own right, if

they are not duly called to a meeting before the end of term of the legislature and in the time that the law designates.

Art. 11 The Congress of the Republic meets at the Capitol of the Nation on the 2nd day of December of each year. The legislative session shall hold meetings during a period of four months, which may be prolonged or postponed by proper deliberation of both Houses in joint session.

Art. 12 The Congress may be called to an extraordinary session by one fourth of its members or by the Executive Power.

Art. 13 The opening and closing of the two houses shall be on the same day, but they shall work separately in public sessions unless a resolution is passed to the contrary.

The decisions shall be taken by the majority of votes, if there be present in each house the absolute majority of members.

Par. Each one of the Houses shall verify and recognize the powers of its members, elect its officers, organize its internal Regulations, regulate its police power and name its employees.

Art. 14 The joint sessions of the two Houses shall be presided over by the senior of the Presidents.

Art. 15 The Deputies and Senators are inviolable in their opinions and votes, that they may express during the exercise of their functions. Their vote is free and independent of any outside insinuations and instructions.

Art. 16 During the exercise of the legislative functions, no member of Congress shall be juror, appraiser, or witness without the authorization of his respective House.

Art. 17 No Deputy, or Senator shall be, or kept imprisoned, during the period of sessions, without previous license of his House, except, if he be detected in an act to which a greater sentence is applicable, or its equivalent in the penal scale.

Art. 18 If a Deputy, or Senator is criminally prosecuted, and the prosecution carried until the final decision, the judge shall consult the respective House, which shall decide whether the Deputy, or Senator shall be suspended and the prosecution carried out during the interval of sessions, or after the offender has finished his functions.

Art. 19 The members of Congress shall receive during the sessions, a compensation which shall be fixed by the National Constituent Assembly.

Art. 20 No member of Congress, shall after his election, make contracts with the Executive Power, nor accept from this, or any foreign government paid employment, or subsidized commission.

Par. 1 The following exceptions shall be made on the preceding article.

1 Diplomatic missions.

2 Military commands or commissions and the commissariats of the Republic in the Ultramarine Possessions.

3 Promotive offices and legal promotions.

4 The nominations that are lawfully made by the Government after the necessary examinations, or by proposal made by the individuals who have the legal right to indicate or choose the officers to be nominated.

Par. 2 No Deputy or Senator shall accept nominations for the missions, commands or commissions, given under parts 1 and 2 of the previous paragraph, without permission of his house, if by accepting he is not able to perform his legislative duties, unless it be a case of war or one in which the honor and integrity of the Nation is at stake.

Art. 21 No Deputy or Senator shall serve, in the administrative councils, as manager or superintendent of enterprises or societies constituted by special contract or concession of the State, or which receive from same, privileges not conceded by generic law, compensation or guarantee of income (except those which by delegation of the Government represent the interests of the State) neither shall he be concessionary, contractor or member of contracting firms of concessions, auctions or public work by contract or financial operations with the State.

Par. The unobservance of the precepts contained in this and preceding article, shall be punished by loss of mandate and abrogation of the acts and contracts referred to therein.

### *The House of Deputies.*

Art 22 The Deputies shall be elected for a term of three years.

Par. The Deputy elected to fill a vacancy by death or any other reason shall only exercise his duties until the end of that legislation.

Art. 23 The House of Deputies shall have the right of initiative on the following:

*a* Taxes.

*b* The organization of land and sea forces.

*c* The discussion of the proposals made by the Executive Power.

*d* The impeachment of members of the Executive Power, for crimes of responsibility committed in that quality, according to the terms given under this Constitution.

*e* The revision of the Constitution.

*f* The prorogation and postponement of the legislative session.

*The Senate.*

Art. 24 The Senators are elected for a term of six years.

Whenever it shall be necessary to proceed with the general elections of Deputies, half of the members of the Senate shall be renewed.

Par. 1 For the first renovation of the Senate, constituted in this manner, chance shall decide from what districts and Ultramarine Provinces the Senators must be replaced, and in the subsequent elections it must be decided by the time in which the election took place.

Par. 2 The Senator elected to fill a vacancy caused by death or any other reason shall only occupy this post during the time left the substituted.

Art. 25 The Senate shall have the right to approve or veto, by secret vote, the proposals for the nomination of governors and commissaries of the Republic for the Ultramarine Provinces.

Par. If Congress is not in session the Executive Power shall make these nominations given in the preceding article but they shall only be temporary.

*Duties of the Congress of the Republic.*

Art. 26 The Congress of the Republic shall have power:

- 1 To enact laws, interpret, suspend and revoke them.
- 2 To see that the Constitution and the laws are observed and to promote the general welfare of the country.
- 3 To estimate the revenue and fix the annual expense of the Republic; to take account of the revenue and expense of each financial enterprise and vote taxes annually.
- 4 To authorize the Executive Power to contract loans and other operations of credit, if they are not of a fluctuating debt, having previously established or approved the conditions in which they must be made.
- 5 To regulate the payment of the internal and external debt.
- 6 To decide the organization of National defense.
- 7 To create or abolish public offices, and to increase or decrease their salaries.
- 8 To establish and abolish custom houses.
- 9 To determine the weight, value, inscription, type and denomination of coins.
- 10 To fix the standard of weights and measures.
- 11 To create banks of emission and regulate output of same and to pay tribute.
- 12 To decide the limits of the territories of the Nation.

13 To fix, under the terms of special laws, the limits of administrative divisions, and decide on their general organization.

14 To authorize the Executive Power to make war, if the question cannot be settled by arbitration or after same has failed, except in a case of eminent or effective peril from foreign forces, and to make peace.

15 To decide definitely on treaties and conventions.

16 To declare martial law, with total or partial suspension of constitutional guarantees, in one or more places of the National Territory, in case of imminent or effective peril from foreign forces, or in case of internal trouble.

Par. 1 If Congress is not in session the Executive Power shall have this right.

Par. 2 The Executive Power shall, during the time that martial law exists, as a preventive measure in cases of arrest, hold these prisoners in a special place not used by common criminals.

Par. 3 Once Congress is in session, within thirty days, which it can do of its own right, the Executive Power shall present a report of the measures taken, giving the motive for same and for the abuse of which the respective authorities shall be held responsible.

17 To organize the Judicial Power under the terms of the present Constitution.

18 To grant amnesty.

19 To elect the President of the Republic.

20 To depose the President of the Republic under the terms of this Constitution.

21 To deliberate the revision of the Constitution before the limit of ten years is over, under the terms of Par. 1 of Article 82.

22 To regulate the administration of the National wealth.

23 To decree the expenditure of the National wealth.

24 To sanction the regulations passed for the execution of laws.

25 To continue exercising their legislative duties, after the services of that legislation are at an end, if for any reason the election did not take place on the appointed day.

Par. This extension of duties shall last until the elections, which are to send new members into the Congress, take place.

Art. 27 The authorizations conceded by the Legislative Power cannot be made use of more than once.



*Initiative, Formation and Promulgation of Laws of Resolutions.*

Art. 28 The initiative on all projects of law shall belong indifferently to any member of Congress of the Executive Power, saving the exceptions specified in Article 23.

Art. 29 Any project of law adopted by one of the Houses must be submitted to the other, and on it being approved by the latter, it shall then be sent to the President of the Republic to be issued as a law.

Art. 30 The formula for issuing a law is as follows: "In the name of the Nation, the Congress of the Republic decrees, and I issue, the following law (or resolution)."

Art. 31 The President of the Republic as head of the Executive Power, shall issue any project of law inside of fifteen days, from the date of its presentation. If his decision is not given during the time specified, his silence shall be equivalent to the enactment of the law.

Art. 32 The project of law approved by one House shall be sent to the other. The latter must give its decision, at the latest, in the first legislative session after the one in which it was approved. In case this is not done the text approved by the House which initiated the project shall be promulgated as law.

Art. 33 The project of one House amended by the other shall return to the first, and the changes being approved, it shall then be sent as amended, to the President of the Republic for promulgation.

If the initiative House does not approve the amendments made, these, together with the project, shall be submitted to discussion and vote of the Houses in joint session.

The text approved shall be sent to the President of the Republic, who will issue it as law.

Art. 34 In case one of the Houses simply rejects a project already approved by the other, the two Houses shall then come together for a vote and discussion, just as if the project had been amended and not rejected.

Art. 35 The projects rejected definitely shall not be brought up again in the same legislative session.

## SECTION II

*Executive Power.*

Art. 36 The Executive Power shall be vested in the President of the Republic and his Ministers.

Art. 37 The President of the Republic represents the Nation in its general relations of State, both internal and external.

*Election of the President of the Republic.*

Art. 38 The election of the President of the Republic shall take place in a special session of Congress, meeting by their own right, 60 days before the end of each presidential period.

Par. 1 The ballot shall be secret and the election by two-thirds vote of the members of the Houses of Congress in joint session.

If none of the candidates receive this majority the election will continue. On the third vote only the two candidates who have received the greater number of votes shall participate, and the one receiving the greater number will be elected.

§ 2 In case of a presidential vacancy, by death or any other cause, the two Houses united as the Congress of the Republic shall proceed immediately with the election of a new President, who shall exercise his duties until the end of that presidential period.

§ 3 While the elections referred to in the preceding paragraphs do not take place, or if, for any reason there is any transient obstacle in the exercise of the presidential functions, the full rights of the Executive Power shall be jointly vested in the Ministers.

39 To be elected President of the Republic the following qualifications are necessary: to have attained the age of 35 years and be a Portuguese citizen in full enjoyment of all his civil and political rights and must be born in the Portuguese Territory.

40 The following are ineligible for the post of President of the Republic:

(a) Members of the families who reigned in Portugal.

(b) Consanguineous relatives or in the 1st or 2nd degree, by civil right, of the President who is leaving, but this only refers to the first election posterior to his leaving.

41 If the President elect is a member of Congress, he loses immediately, by virtue of this election, his rights as a Congressman.

42 The President shall be elected for a period of four years and cannot be re-elected for the ensuing period.

Par. The President shall leave his post on the last day of his period in office, the elected taking his place immediately.

43 In taking charge of his post, the President will pronounce, in a joint session of the two Houses of Congress, under the presidency of the oldest President, the following declaration:

I solemnly declare, on my honor, to maintain and keep with loyalty and fidelity the Constitution of the Republic, observe the

laws, promote the welfare of the Country, and to sustain and defend the integrity and the independence of the Portuguese Nation.

Art. 44 The President cannot leave the national territory without permission of Congress under the penalty of losing his post.

Art. 45 The President shall receive a compensation which will be fixed before his election and cannot be changed during his time in office.

Par. None of the properties of the Nation, not even the one where the office of the President of the Republic is situated, can be utilized for the personal use of the President or members of his family.

Art. 46 The President may be deposed by the two Houses, sitting as the Congress, if a resolution is passed, founded and approved by two-thirds of the members, which must state clearly the deposition, or he may be impeached for a crime of responsibility.

#### *Powers of the President of the Republic.*

Art. 47 The President of the Republic shall have the right :

1 To nominate the Ministers from the Portuguese Citizens eligible and to dismiss them.

2 To convene Congress in extraordinary session, when the welfare of the Country so requires.

3 To promulgate and make public the laws and resolutions of Congress, dispatching the decrees, instructions and regulations, regarding the good execution of the same.

4 To fill all civil and military posts on proposal of his Ministers, and to discharge, suspend and depose the respective functionaries, the latter having the right of appeal to the competent courts.

5 To represent the Nation in foreign countries, and to direct the external policy of the Republic, without interfering with the functions of Congress.

6 To declare, after agreeing with his Ministers, and for a period not exceeding thirty days, martial law in any point of the national territory, in cases of foreign hostilities, or grave riots, under the terms of Paragraphs 1, 2 and 3 of No. 16 of Article 26 of this Constitution.

7 To make commercial treaties, peace and arbitration, and adjust other international conventions, submitting them to the approval of Congress.

Par. The alliance treaties shall be submitted to Congress,

in a secret session, if it is so asked by two-thirds of the members.

8 To grant pardons and commute punishments.

9 To provide for everything that regards the internal and external safety of the State, as per this Constitution.

Art. 48 The powers referred to in the previous article shall be exercised through the Ministers and under the terms of article .49.

### *The Ministers.*

Art. 49 All the acts of the President of the Republic shall be countersigned, at least by the competent Minister. If this is not done, they shall be void of all power, and cannot be given execution and no one will have to obey them.

Art. 50 The Ministers cannot hold another public office, nor shall they be elected for the Presidency of the Republic unless they have resigned from the Ministry six months before the elections.

Par. 1 The members of Congress who accept the post of minister shall not lose their mandate.

Par. 2 The prohibitions and other dispositions given under article 21 and its paragraph shall be applicable to the Ministers.

Art. 51 Each Minister shall be responsible, politically, civilly and criminally for the acts that he legalizes or practices.

The Ministers shall be tried for crimes of responsibility in the ordinary courts.

Art. 52 The Ministers should appear in the sessions of Congress, and shall always have the right of a hearing in defense of their acts.

Art. 53 One of the Ministers, who will be nominated also by the President, shall be president of the Ministry and will answer not only for acts under his own supervision but also for those of general policy.

Art. 54 In the first fifteen days of January, the Minister of Finances will present to the House of Deputies the General Budget of the State.

### *Crimes of Responsibility.*

Art. 55 Crimes of responsibility are the acts that the Executive Power and its agents perform:

1 Against the political existence of the Nation;

2 Against the Constitution and the democratic republican regime;

3 Against the free exercise of the Powers of State;

4 Against the enjoyment and exercise of political and individual rights;

5 Against the internal safety of the country;

6 Against the integrity of the administration;

7 Against the keeping and constitutional use of public moneys;

8 Against the laws of the budget voted by Congress.

Par. 1 The impeachment for any of these crimes shall result in the loss of post and the incapacity of holding another public office.

Par. 2 The President of the Republic is not responsible for the acts of the administration or of the Ministers or their agents, being only responsible for the crimes indicated in Nos. 1, 2, 3, 4 and 5 of this article.

### SECTION III.

#### *Judicial Power.*

Art. 56 The Judicial Power of the Republic shall be composed of the Supreme Court of Justice and the courts of first and second instance.

Par. The Supreme Court of Justice shall have its seat in Lisbon. The courts of first and second instance shall be distributed through the country, according to the needs of the administration of justice.

Art. 57 The judges belonging to the judicial magistracy shall hold office for life and are irremovable; the nominations, resignations, promotions, transference and positions outside of this body shall be made under the terms of the organic law of the Judicial Power.

Art. 58 The trial by jury shall be maintained.

Art. 59 The intervention of a jury shall be optional to the parties in civil and commercial cases, but it will be obligatory in criminal cases, when to such cases, shall have to be applied a heavier sentence than correctional imprisonment and when the offense is of a political character.

Art. 60 The judges shall not be responsible for their decisions.

Art. 61 No judge shall accept from the government remunerative functions. When it is so needed by the public service, the Government may request the judges they think neces-



sary for any permanent or temporary commissions. These nominations shall be made under the terms that the respective organic law determines.

Art. 62 The sentences and orders of the Judicial Power shall be executed by private judicial officers, who shall be helped by the competent authorities when they ask for it.

Art. 63 Whenever, in the cases which are up for trial, any of the parties question the validity of the law or the diplomas issued by the Executive Power or of the corporations with public authority that have been called upon, the Judicial Power shall investigate the constitutional legitimacy of same, and whether it conforms with the Constitution and the principles therein.

Art. 64 The President of the Republic shall be tried and sentenced in the common courts, for the crimes he commits.

Par. When the final decision and sentence has been passed, the judge shall communicate with Congress who, in joint session of the two Houses, will decide whether the sentence shall be passed immediately or whether they will wait until the Presidential term is over.

Art. 65 If a Minister is tried criminally until a final decision is given, the judge will communicate it to the House of Deputies, who will decide if the Minister must be suspended and the trial continue during the interval of the sessions or after the functions of the defendant are over.

#### TITLE IV

##### *Local Administrative Institutions.*

Art. 66 The organization and powers of the administrative corps shall be regulated by special laws and will be based on the following:

1 The Executive Power shall not interfere with the business of the administrative corps.

2 The decisions of the administrative corps may be modified or annulled by the litigious courts when they offend the laws and regulations of general order.

3 The district and municipal powers shall be divided in deliberative and executive, under the terms that the law prescribes.

4 The exercise of referendum, under the terms determined by law.

5 The representation of the minority in the administrative corps.

6 Financial autonomy of the administrative corps, under the terms determined by law.

## TITLE V

*Administration of the Ultramarine Provinces.*

Art. 67 In the administration of the ultramarine provinces, the regime of decentralization will predominate, with special laws adapted to the state of civilization of each one.

## TITLE VI

*General Dispositions*

Art. 68 Every Portuguese citizen is obliged to military service, according to his abilities, to sustain the independence and integrity of the Nation and the Constitution, and to defend them against their internal and external enemies.

Art. 69 The public force is bound to render unconditional obedience, and cannot formulate petitions or collective representations, nor hold meetings, unless with permission or order of the competent authority. The armed corps cannot deliberate.

Art. 70 Special laws shall regulate the organization and administration of the military forces of land and sea in all the territory of the Republic.

Art. 71 For the condemned for electoral crimes and offenses, there shall be no pardon, but the House in whose election these crimes or offenses were committed, may take the advantage of the concession of amnesty, when it is so voted by two-thirds of its members and only when the condemned has paid half of the penalty, when the same is prison. The amnesty does not include the costs and stamps of the trial nor the fines or the attorney fees.

Art. 72 The crimes of responsibility, referred to in article 55, shall be defined by special law.

Art. 73 The Portuguese Republic without interfering with its treaties of alliance, holds the principles of arbitration as the best way to settle international questions.

Art. 74 Portuguese Citizens, to be able to exercise their political rights, must be considered as such by the civil law.

Par. The loss and regulation of the Portuguese citizenship shall also be regulated by the civil law.

Art. 75 To those who, on the date of the promulgation of this Constitution, are serving in the army or the navy, shall be assured the right of a military medal, under the terms and regulations of the respective laws.

Par. The pensions that, up to the present have been given to those decorated with the Order of Torre e Espada shall be maintained.

Art. 76 The medal of merit, philanthropy, generosity and that for good service in the Colonies shall be maintained.

Art. 77c The Congress in some of its annual sessions shall discuss exclusively the local interests and reclamations made to the Executive Power by the administrative corps, when it is regarding certain things in which the State must interfere.

Art. 78 A special law shall fix the cases and conditions in which the State is to give pensions to the families of the military killed in the service of the Republic, or the military rendered useless in such service.

Art. 79 The diplomas given for civic deeds and military acts may be accompanied by medals.

Art. 80 The laws and decrees in existence shall continue in force, until they are revoked or revised by the Legislative Power, if they are not explicit or implicitly against the form of Government adopted by this Constitution and its principles.

Art. 81 When this Constitution is approved, it shall be immediately decreed and promulgated by the Presidency of the National Constituent Assembly and signed by its members.

#### TITLE VII

##### *Constitutional Revision*

Art. 82 The Constitution of the Portuguese Republic shall be revised every ten years, counting from the promulgation of same, and for this work the Congress in session at the time set for this revision shall be vested with constituent powers.

Par. 1 The revision may take place five years before the time, if this is approved by two-thirds of the members of Congress in joint session of the two Houses.

Par. 2 Proposals for constitutional revision which do not state clearly the changes projected, or those which have in view the abolishment of the Republican form of government, cannot be admitted for discussion.

##### *Transitory Dispositions.*

Art. 83 The first President of the Portuguese Republic shall be elected in a special session to be held three days after the approval of this Constitution by the National Constituent Assembly and after his salary has been decided.

The election shall be secret and by majority of the members of the National Constituent Assembly, their powers having been verified on the eve of the election.

If after the second vote has been taken, there is not an absolute majority, the third will be by relative majority between the two candidates who received the greater number of votes on the second.

The first presidential period shall end on the 5th day of October of 1915.

Par. For this election there shall not be the incompatibility referred to in article 50 of this Constitution.

Art. 84 In the first session after the election of the President of the Republic the election of the Senate will take place.

Par. 1 The first Senators shall be taken from the Deputies of the National Constituent Assembly who have reached the age of thirty years. Seventy-one will be chosen, and the other members of the National Constituent Assembly will form the first House of Deputies.

Par. 2 The choice of Senators by the National Constituent Assembly will be made in four elections, the first three with a list of twenty-one names and the last with eight names. In the first three lists there shall be a representative from all the districts, if the Deputies of these districts conform to the conditions of this article.

Par. 3 The terms of the members of the two houses shall end when a new Congress has been instituted, under the terms prescribed by this Constitution, after the legislative session of 1914 is over.

Art. 85 The first Congress of the Republic shall enact the following laws:

- (a) Laws on crimes of responsibility.
- (b) Administrative code.
- (c) Organic laws of the ultramarine provinces.
- (d) Law on the judiciary organization.
- (e) Law regarding public offices.
- (f) Law on political incompatibilities.
- (g) Electoral law.

Par. The General Budget of State and other urgent measures shall be discussed in alternate sessions.

Art. 86 If any vacancies take place in the first House of Deputies, these shall not be filled, unless the number of Deputies becomes less than one hundred and thirty-five.

The vacancies of the first Senate shall be filled according to article 84 and its paragraphs, as long as the House of Deputies has more than one hundred and thirty-five members.

Art. 87 When Congress is not in session, the Government may take the necessary and urgent steps for the ultramarine provinces.

Par. Once Congress is in session the Government shall give a report of the steps taken.

Chamber of Sessions of the National Constituent Assembly, on the 21st of August, 1911: Anselmo Braamcamp Freire, President; Baltasar de Almeida Teixeira, First Secretary; Afonso Henriques de Prado Castro e Lemos, Second Secretary.





## CHAPTER XII.

## FRANCE A REPUBLIC.

France, as a republic, has shown far more power and efficiency as an opponent to Germany during the present war than she did in 1870-71 as an empire under Napoleon III. At no time during the Bourbons was France as thoroughly united, patriotic, strong and defiant as during the present attack upon her liberty and territory, a nation without a king or emperor and existing under a representative constitutional government.

Planted on the extreme west edge of the continent of Europe, which has been in a large measure dominated for centuries by czars, emperors, kings and princes, she resists with unabated courage the terrific attack of the military forces of the centralized monarchical states of the German Empire and despotic dual monarchy of Austria-Hungary. She is determined that national independence and popular government shall not perish entirely in Europe.

France and her sister republic Switzerland and the new republic of Portugal now stand almost alone on the blood-stained, monarch-ridden continent, as the representative of free government, while England and her free colonies are doing their part in aiding and supporting France at this critical period of her existence.

Republics are thoroughly detested and feared by the great central monarchies of Europe, as indicated by the Holy Alliance, originally signed by Prussia, Russia and Austria and never annulled.

This antipathy will endure as long as monarchical governments exist, and no permanent peace can be expected in Europe until national independence and free popular constitutional governments supplant monarchical institutions and the people are permitted to choose their own rulers.

Although France must be enrolled among the representative democracies or republics of this period, its present constitution is not in all respects a practical and safe model to copy after. It has a monarchical element trying to cooperate with republicanism, the lingering shadow of imperial and regal thrones which have passed into oblivion, never, it is hoped, to be reestablished. These two adverse elements do not create harmony, but inharmony in the administration of a government.

France, with Corsica, and the islands of the coast, without taking into account any of the separate provinces or possessions outside of Europe, contains an area of 204,147 sq. miles, not deducting what Germany has recently taken, and has experienced more sudden changes than any other government in Europe since the fall of the Bastille July 14, 1789. Since then there have been eleven different constitutions or formations of government following in rapid succession, varying with the exigencies of events.

The constitution of 1791 creating a limited monarchy curtailing the power of the king, was expected to remedy the evil and discontent in France at the time of Louis XVI. It contained a declaration of "the rights of man and citizen."

1. Men are born free and remain free and equal in rights. Social distinctions can be based only upon public utility.

2. The aim of every political association is the preservation of the natural and imprescriptible rights of man. These rights are liberty, property, security, and resistance to oppression.

3. The source of all sovereignty is essentially in the nation. No body, no individual can exercise authority that does not proceed from it in plain terms.

4. Liberty consists in the power to do anything that does not injure others; accordingly, the exercise of all the natural rights of each man, has for its only limits, those that secure to other members of society the enjoyment of those same rights. These limits can be determined only by law.

#### THE FRENCH CONSTITUTION OF 1791.

"The national assembly, wishing to establish the French constitution upon the principles that it has just recognized and declared, abolishes irrevocably the institutions that have injured liberty and equality of rights," the constitution declared:

"There is no longer nobility, nor peerage, nor heredity distinction, nor distinction of orders, nor feudal régime, nor patrimonial jurisdictions, nor titles, denominations, or prerogatives derived therefrom, nor any orders of chivalry, not any corporations or decorations which demand proofs of nobility, or that were grounded upon distinctions of birth, nor any superiority other than that of public officials in the exercise of their functions."

"There is no longer either sale, or inheritance of any public office."

This constitution which is quite lengthy is set forth in full in Anderson's *Constitutional Documents*, France, 1789—1901.

This constitution was accepted by the king, Louis XVI., September 13, 1791.

After the execution of Louis XVI., February 15, 1793, the Committee of Nine appointed to draft a constitution adopted an ultra-republican form of government, and submitted it to the people. It was accepted by them. It was called the constitution of the Year 1, and reiterated the "Declaration of the Rights of Man and Citizen."

There was an executive council consisting of 24 members chosen by the legislative body from candidates named by the secondary electors of the departments; an unicameral corps legislative chosen indirectly by manhood suffrage for one year without power to enact "decrees," but only to propose laws; and an arrangement whereby projected laws were to be communicated to private assemblies of citizens to be acted upon after the principle of the referendum. (Anderson's Constitutions, 171-182.)

It is said that this was a model constitution, the best ever brought forth from the throes of periodical revolutions in France; but it was never put in force, although ratified by the people, being first temporarily suspended, and afterwards set aside.

"On the basis of a decree of December 4, 1793, the convention maintained through upwards of two years, a revolutionary government, and when finally, on October 26, 1795, the body passed out of existence, it left behind it in the constitution of 1795, an instrument of government essentially different from the proposed instrument of 1793." (Frederick Austin Ogg—Governments of Europe.)

November 9, 1799, Napoleon's *coup d'état* ended the operation of the constitution of 1795.

#### THE BRUMAIRE DECREE OF NOVEMBER, 1799.

1. The Council of the Five Hundred, considering the situation of the Republic, declares urgency and takes the following resolution:

The Directoire is no more, and the following named persons, owing to the excesses and the crimes in which they have constantly engaged, and especially as regards the majority of them in the session of this morning, are no longer members of the national representation. (Here follow the names of 61 persons.)

By the *coup d'état* of Brumaire the government of the Directoire was overthrown. This decree was passed by a small number of members of the Council of Five Hundred whom Lucian Bonaparte gathered about him after the dispersion of the

council by force. It gave to the *coup d'état* some semblance of legal sanction.

References: Fyffe, *Modern Europe*, I, 197-207. (Popular ed. 133-139.); Fournier, *Napoleon*, 166-182.

2. The Corps-Legislatif creates provisionally a consular executive commission, consisting of Citizens Siéyès, Roger Ducos, and General Bonaparte, who shall bear the name of Consuls of the French Republic.

3. This commission is invested with the plenitude of directorial power and particularly charged to organize order in all parts of the administration, to re-establish internal tranquillity and to procure honorable and enduring peace.

4. It is authorized to send out delegates having powers which are fixed and are within the limits of its own powers.

5. The Corps-Legislatif adjourns to the following 1 Ventôse (Feb. 20, 1800); it shall assemble with perfect right upon that date in its palace at Paris.

#### THE CONSTITUTION OF DECEMBER, 1799.

Title I. Of the Exercise of the Rights of Citizenship.

1. The French Republic is one and indivisible. (See Anderson 271.)

This constitution was prepared by Napoleon and Siéyès, and was imposed upon the two legislative commissions. It was submitted to the people and accepted by three million votes against fifteen hundred.

The constitution of December 13, 1799, contained many revisions of the former instrument and under this Napoleon ruled France until 1814. He first became First Consul and then the *senatus-consulta* of August 4, 1802 proclaimed him First Consul for life; and on May 18, 1804, he was made Emperor of France.

#### THE SENATUS-CONSULTUM OF MAY, 1804.

Title I.

1. The Government of the French Republic is intrusted to an emperor, who takes the title of Emperor of the French.

Justice is administered in the name of the Emperor by the officers whom he appoints.

2. Napoleon Bonaparte, present First Consul of the Republic, is Emperor of the French.

Title II. Of the Inheritance.



3. The imperial dignity is hereditary in the direct natural and legitimate lineage of Napoleon, from male to male, by order of primogeniture, and to the perpetual exclusion of women and their descendants.

4. Napoleon Bonaparte can adopt the children or grand children of his brothers provided they have fully reached the age of eighteen years, and he himself has no male children at the moment of adoption. (See p. 343 Anderson's Constitution.)

April 30th, 1803 a treaty was completed between France and the United States by which Napoleon Bonaparte sold the entire territory known as "Louisiana" to the United States for approximately seventy-five million proves without asking the consent of the chambers and used the funds thus obtained in his preparation for an invasion of England which never was accomplished.

#### NAPOLÉON COMPARED WITH WASHINGTON.

The circumstances surrounding Napoleon in his ascendancy in France during the last of the eighteenth and first of the nineteenth century, in some respects, (as monarchical rule had been overthrown), were analogous to those which environed Washington who first overcame the enemies of free government in America and then helped to establish a Republic.

Napoleon Bonaparte, like George Washington, had the opportunity of founding a representative democracy or republic. He possessed the ability and prestige to enable him to draft a model constitution, and he could easily have gained the support of the nation for its adoption.

As president of such a republic, he could have firmly established a well organized republican government, and with his executive ability, made it permanent. This would have prevented much of the misrule, anarchy, and instability which followed his overthrow. He organized Switzerland into a centralized republic, under the title of the Helvetic Republic, with a constitution which was practically a copy of the French constitution of 1795, dated April 12, 1798. This was superseded by a new constitution of July 2, 1802, which re-established the cantonal government. If Napoleon had created a similar constitution for France it would have been better for that country than the establishment of another empire. He would then have gone down to posterity much more honored than he has been, and would have been called the Father of Republican France.

Marquis de LaFayette, the friend of George Washington,

who took such an active part with us in our war with Great Britain, and to whom Congress in recognition of his services gave a township of land and \$200,000 when he visited the United States in 1824, was offered several prominent public positions by Napoleon. These he refused. He could have coöperated with Napoleon as he had with Washington in giving France a liberal government, but he opposed Napoleon's assumption of the life consulate and the imperial title, and he lived in retirement until the restoration of 1814, when he became Vice President of the Assembly. He remained true to his principles and opposed the reactionary policy of the restored Bourbons.

The last attempt to construct a constitution suitable for a representative republic after all past experience has in many respects been a failure.

The Constitution of the United States, with some modifications as to the limitations of the federal government in its relation to the state governments and the power vested in a Supreme Court over acts of Congress, would be far better than the present constitution of France, which has not been compiled with cool deliberation and put together as an harmonious and completed instrument. The president has not sufficient power, and the ministry which is accountable to the assembly, following the example of former constitutional monarchies, stands between him and the necessary freedom of action which should be given without fear to the head of the executive department of a republic. He should appoint his own cabinet and remove the members when he deems it proper to do so, and be accountable for his own administration. Not being a king nor an emperor, it was not necessary to follow the precedent which removes all accountability and responsibility from a king. The president of France should be elected by the entire body of the people by universal suffrage, and be accountable to them direct, instead of owing his election to the assembly, which places him more or less under its control.

The fatal experience of the different republican administrations of France demonstrates the mistake of leaving the election of President or the power to adopt changes in the constitution in the hands of the legislative branch of the government. In both instances the people should dictate and control by a majority of the voters through equal universal suffrage.

Napoleon Bonaparte, and subsequently Louis Napoleon; used the power given into their hands after being placed at the head of the government through the action of the legislative department, to subvert the constitution under which they were chosen. A constitution for a representative republic should not take the power of electing the president

out of the direct control of the people. It should be regarded by the people as supreme and above the power of the executive or legislative branch of the government to change. The supreme power should rest with the people, and they alone should have the power to change its provisions. The treasonable acts of the two Napoleons resulted in weakening the system of constitutional government and dangerous precedents were made for future republics.

April 11, 1814, Napoleon signed an act surrendering the throne of France for himself and his heirs. He was given an annuity of two million francs and allowed to retain his body-guard of one thousand men, with which he was to retire to Elba, one of the Tuscan Islands of the Mediterranean. He arrived there May 30, 1814.

After Napoleon was forced out of Europe, ending his dazzling military exploits and brilliant achievements in nation building, another Bourbon, Louis XVIII., was placed upon the re-adjusted throne of the Capets. He entered Paris three weeks after the abdication of Napoleon.

A new constitution, called the Constitutional Charter, prepared under the instruction of the king, was adopted by the two chambers June 4, 1814, and with a few changes remained in force until 1848. At the head of the state was the king, who made appointments, declared war, concluded treaties, commanded the army, and initiated legislation. The bicameral legislature passed all laws and levied all taxes. The Chamber of Peers was composed of members, appointed by the king for life, or in heredity. The Chamber of Deputies contained representatives from the several departments, elected for five years. The Deputies were chosen under the system of *scrutin de liste*. Men thirty years old or more who paid a direct tax of three hundred francs annually assembled in the principal town of a department and chose the deputy to which it was entitled, voting by ballot. The king received 15,510,000 francs per annum for himself and 4,000,000 for the royal family.

The ministry was controlled by the Duc de Richelieu, who had taken the place of Talleyrand and Fouché. In the Chambers the Count D'Artois represented the ultra-royalists' right wing, while the left was brilliantly led by LaFayette, Manuel and Benjamin Constant, Guizet, representing the modern party.

Napoleon, at the urgent solicitation of Fleury de Chaboulon, formerly an auditor of the French Council of State, who came to Porto Ferrajo, finally concluded to leave Elba and return to France, where he landed March 1, 1815. On the 19th he entered Paris, Louis XVII. having abandoned the throne and left France as the army had forsaken him. On the 20th Napoleon was

again declared Emperor and formed a new cabinet composed of Fouché, Caulain Court, Marshall Davoust, Cambacérés, Carnot, and Benjamin Constant.

March 13, he issued "Decree for Convoking an Extraordinary Assembly."

The same day the powers issued a declaration against Napoleon.

The treaty of alliance against Napoleon was signed March 25th.

April 22, the act additional, prepared by Benjamin Constant, was submitted to popular vote, but never put into operation.

After Napoleon's defeat at Waterloo, June 1815, Gen. Solignac in the House of Representatives said: "I propose a committee to wait on the Emperor for immediate decision, referring to the demand for his abdication."

"Let us delay an hour," cried Lucian, "an hour, but no more," replied Solignac. "If the answer is not returned at that time," said Lafayette, "I will move for his dethronement."

Lucian called Lafayette an ingrate.

"I wanting in gratitude to Napoleon!" exclaimed LaFayette indignantly. "Do you know what we have done for him? Have you forgotten that the bones of our brothers and our children every where attest our fidelity to him—amid the sands of Africa—on the shores of Guadalquivir and the Tagus—on the banks of the Vistula, and on the frozen deserts of Muscovy? Three millions of Frenchmen have perished for one man, who still wishes to fight the combined powers of Europe. We have done enough for Napoleon; let us try and save France."

Guizot wrote of Napoleon as follows: "The genius and renown of Napoleon have nothing to fear from the light of history. Justice is done him and will be done every new generation. Illustrious in the foremost rank among the greatest conquerors of enslaved humanity, whether subduing, ruling, or organizing, equally great by military genius and by supreme instinct of national government."

On the same day Louis XVIII. entered Paris Napoleon withdrew to Rochefort. Lafayette proposed to have him escape to the United States on an American merchantman vessel. It was arranged that Napoleon's brothers, as well as Hortense, with others of the family, should meet him in America. He subsequently went on board the *Bellerophone* which took him to England and then was sent to St. Helena.

September, 1824, Charles X., brother of Louis XVI., succeeded to the throne of France after his brother Louis XVIII. His youth was passed in dissipation and he proved another example of kingly incompetence and degeneracy. He demanded



and received 25,000,000 francs for himself and 700,000 for the princes annually. He demonstrated the folly and hollow mockery of turning over a great national government to be ruled by a man simply because he was a descendant of a race of demoralized kings, as the Capets and Bourbons had proven themselves to be.

Another revolution brought about a new constitution August 14, 1830, which extended the suffrage. Louis Phillippe accepted the title of king under this constitution August 9, 1831. He was paid 12,000,000 francs a year, and his children were given a fair allowance.

This constitution was superseded by that of November 4, 1848, which declared the republic to be perpetual and the people sovereign, and provided that a president with executive powers should be elected by direct vote of the people.

#### IMPERIAL POLICY OF LOUIS NAPOLEON.

The following is a speech I made before the Webster Club of the University of Michigan in 1863.

Louis Napoleon, by usurping power in France, taking away the liberties of the press, the liberties of public meetings, and the liberties of association, which three liberties exist in England, Belgium, Holland, Italy and Switzerland, not only crippled the liberties of France, but also set a bad and dangerous example to the other limited monarchies of Europe, and placed a barrier in the progress of the liberties of the world. The reduction of Mexico, and in fact the entire policy of Napoleon III., has been prejudicial to the welfare of humanity.

First, examine the act of usurpation itself. All other usurpations to be found in history have had some kind of excuse—some pretense, however, flimsy—some form, however empty, of public call or public consent. But here is a usurpation by one of whom the little that is individually known, *beyond his name*, is ridiculous, and who has neither public service nor conspicuous talents, nor personal reputation to justify an audacity for exceeding that of Cromwell.

There were several parties in France at the time of the election of President, but the Bonapartists triumphed, and placed Louis Napoleon in the Executive chair. This is the oath which he took and then villainously violated: "In the presence of God and of the French people here represented by the National Assembly, I swear to remain faithful to the one indivisible and democratic Republic, and to fulfill all the duties imposed upon me by the Constitution." Now, in order to see that he broke the trust



thus placed in his hands, read Article 68 of that Constitution which he swore to maintain:—"Any measure by which the President of the Republic shall dissolve the Assembly, or prorogue it, or interfere any obstacle to the exercise of its functions, is a crime of *High Treason*. By this mere act the President is deprived of all his functions, the country is bound to refuse him obedience, the Executive power passes at once and by right into the hands of the National Assembly, the judges of the court of justice are bound on penalty of forfeiture of their office to assemble immediately to the trial of the President and his accomplices.

From the time he was placed in his Executive office until the 2nd of December, 1852, when he usurped the entire control of the government, this insinuating, wily, and treacherous Louis Napoleon sought by every means to corrupt the people and gain the mastery of the army. When he had succeeded in doing this, he *imprisoned* the Assembly, and had himself proclaimed Emperor. And from that day to this France has crouched tremblingly beneath his tyrannical heel. Will this be of advantage to France, the people of which sunny land bled and died for the obtaining of their liberties; where great minds struggled for years to break the chains that were galling the people, and to establish liberty; and where a wise and wholesome Constitution was formed for the perpetuation of the freedom and happiness of the people? I think not, and cannot but be grieved to see the strong arm stretched forth, as it were, from the grave of the slumbering conqueror of Europe, in order to paralyze this advance of liberty.

The course adopted by Napoleon to accomplish his design of usurpation, was cautious and deceptive. "As president his salary was £24,000, which sum the Assembly doubled, and added £6,000 for charitable purposes, making, with some additions, a salary of over £54,000. Besides this he had his palace expenses paid, it being lighted, warmed, furnished, decorated, and served. But this immense salary was soon made away with by the Monseigneur le Prince President, surrounded by his gaudy état major of courtiers, civil and military, collecting at State banquets all such foreigners of name and note as he hoped to dazzle with his splendor or propitiate by his cajoleries, and giving collations of roast fowls and champagne to twenty thousand men at St. Maur, and then again thirty thousand at Satory. The object of all this flattery is evident. The people furnished the means by which the crafty President was bringing them into his insatiate grasp. In June, 1850, he persuaded his Minister to ask of the Assembly a large addition to his official allowance of 1,400,000 francs. This was granted by the Assembly, and it

proved in the end to be the means of their own destruction. Had the President been limited to his salary, he would have found no opportunity to subjugate the country unless aided by foreign powers. February, 1851, he made another demand for 1,800,000 francs, which the Assembly refused to grant. But on the re-assembling of the Assembly the constitutional generals Changarnier and others had been dismissed, under various pretenses, and the President's generals placed in command.

Even as president, Napoleon assumed the manners and deportment of an Emperor, and even had himself proclaimed as such several times in the army, and toasted as *Vive Napoleon!* *Vive l'Empereur!*

In December, 1852, his plan was completed, and using the army as his tool, he imprisoned the Assembly, and became Emperor of France. No man will dare to affirm in this country of liberty—America—that such usurpation was beneficial to France. What if a great army has been established in that country, was it not raised up to protect the crafty individual who had usurped the entire control of the government? What if Paris has been decorated and improved, was not this done to emblazon the name of Napoleon, and that too with the money of the people, who, under the liberal government taken from them, could have made far greater improvements? What if France under the Emperor does stand forth with power among the monarchies of Europe, would she not have loomed up with greater magnificence and cast forth a more brilliant radiance of universal good, if she had remained a democracy?

When I stood beneath the decorated ceilings of the Tuileries, and admired the recent embellishments that had been profusely made by the Emperor, I could not feel any great respect for the usurper, who thus turned the money of the people into channels all leading to his own individual glory and aggrandizement. When I beheld the immense fortifications that were being constructed in the center of Paris for the personal protection of Louis Napoleon, I could imagine the hot-bed of revolution over which he presided—a *perjured, scheming traitor*.

Think not the entire policy of Napoleon has been the effects of his own individual genius. No, the kings and princes of Europe despise republics too severely to permit a nation like their near neighbor France to possess that form of government with impunity. They have been the silent aiders of the crafty scheme, and Napoleon has been their tool. Yes, he has been the Judas that has betrayed the liberties of his country to those who feared its power if a republic.

See what a barrier this usurpation places in the progress of nations in the highway of civilization. If a president can be-

come an emperor with such ease in France, what will ambitious presidents in the United States and other democracies attempt to do? Will it make free governments more popular in the eyes of the world for them to be thus easily subjugated, deceived and overthrown? It is not surprising that the people of America then have feared usurpation of power by a president of whom they were comparatively ignorant, clothed with powers possessed by our present president, when they behold such gross assumption of power just over the ocean. Abraham Lincoln differs in character from Louis Napoleon, possessing a noble and patriotic nature, so there is really no need of fear, yet we cannot be surprised that there is such fear expressed by some in this country after considering the destruction of the French Democracy.

The reduction of Mexico was the unfolding of a policy that destroyed the doctrine of non-intervention promulgated by Monroe that has existed for many years between the United States and the nations of Europe. This is a peace-preserving doctrine, and its subversion opens cause for wars with foreign nations. But, in no greater degree, than the Napoleonic policy of declaring the treaty of 1815 a nullity threw the nations of Europe into uneasiness, and paved the way for transatlantic, international war and confusion.

Under the guise of a peace-maker, in his policy of an European Congress, the Emperor opened their doleful caves and sent forth with their hideous cries the blood-thirsty dogs of war. In fact the whole policy of this man shows the silent instigations of a corrupt, treacherous, and deceitful heart, and not satisfied with the destruction of freedom in France, he tries to enslave Mexico, and bring discord and animosity among his neighboring nations. Would that my voice had the power of thunder and my speech the eloquence and brilliancy of lightning, then I should like to sweep over France as some huge thunder cloud, sounding the eternal principles of *liberty* and *universal emancipation*, with the loudest notes, in the ears of every Frenchman in the sunny land of France! I should like to write with the electric pen of lightning above its beauteous gardens, blooming fields, and gorgeous cities—Freedom to France! Death and ignominy to the usurper! May the family of the Bonapartes be swallowed up in the same gulf of defeat and failure into which sank and perished their proud Napoleons!

LOUIS NAPOLEON.

Louis Napoleon at once became a candidate, promised to devote himself to the maintenance of the republic, and received

5,000,000 out of 7,000,000 of the votes of the deluded populace. He was merely another ambitious Napoleon, the nephew of his renowned uncle, who coveted a throne to which neither he nor his uncle ever had an inherited or legitimate right, both being absolute usurpers, from start to finish. He treacherously accepted the presidency, intending to subvert and destroy the republic. This he soon succeeded in doing. The constitution of July 14, 1862, extended his rule ten years as president and following the example of his uncle he soon gained the throne. The *senatus consultum* ratified the fraudulent and enforced plebiscite of November 21 and 22, making him emperor.

By a *senatus-consulti* of April 20, 1870 (approved by a plebiscite of May 8, following), important changes were made in the constitution. These reforms, however, came too late to save the Napoleonic dynasty. A merited and foreordained doom swiftly descended upon the usurpers of the ancient throne of France. The avenging sword of the house of Hohenzollern, once humiliated by the first Napoleon, like a flash of lightning from a clear sky, ended the career of the nephew at Sedan, as that of the uncle was terminated at Waterloo.

SITUATION FOLLOWING THE STIRRING EVENTS OF 1870, DESCRIBED  
IN CORRESPONDENCE OF MAN WHO SUPPRESSED THE COMMUNE.

A historical letter written by M. Adolphe Thiers in 1876, and hitherto unpublished, has been placed at the disposal of the Temps and published by that paper. The letter is of much interest coming from the pen of the man who suppressed the Commune and as president of the Republic in 1871 gave all his energy to clearing France of the Germans and to the paying of the indemnity.

The Temps says of the letter that in a few pages it contains a portrait of Thiers, gives a summary of a period of history, and imparts some instruction in political philosophy.

The letter translated is as follows:

Paris, 12 Aug. 1876.

My dear Mr. Tchitcherine,

You will forgive me for being behindhand in consideration of the fact that I have a great deal more to do than I have time to do it in. Not that I give the whole of my time to politics; I do so when I am in charge of public affairs, to the point of forgetting everything else; but when the responsibility is on other people's shoulders, I leave it to them entirely, not selfishly, but out of consideration to their authority. God grant they get through with it all right, for our sakes and for everybody's.



Rid of the cares of state I give my whole time, or that which I can spare from my work as deputy, to study. Your brother-in-law, Count Kapnist, a very enlightened and lovable man, will give you news of me, for I often see him, and always with pleasure. He will tell you that I give all my attention to my work, and that I do not get in the way much of those at the helm.

I received your letter with great pleasure, and am glad that you remember me so affectionately. You have witnessed part of my long and hard working life both from a distance and near at hand, and you have been able to judge of the sincerity and constancy of my opinions. In all good faith, I have wished for and endeavored to establish a constitutional monarchy.

Belonging to a good family of the magistrature, connected with a rich industrial family of good standing before the period of the Revolution, educated in a college of the first empire, there was nothing to dissuade me from a liberal monarchy, everything on the contrary, bound me to it, my parents, my education, which was both of a liberal and a military character, and lastly my own inclinations.

#### PRINCES ARE CRITICIZED.

I would have accepted it from Charles X., from Louis Philippe, and even from Napoleon III. But these three princes, with the best intentions no doubt, but with deplorable blindness, did everything that lay in their power to prevent its success. The true idea of a liberal monarchy is that the prince should efface himself in order that those unto whom power has been delegated may follow the lead of the country. But every one of them wanted to govern in accordance with his own views, with quite good intentions, but in such a manner as to offend every national instinct.

Charles X. thought he had the church to defend; Louis Philippe wished to please Europe in order to obtain her support; Napoleon III. wanted to give himself something of the air of his famous uncle—they all three pursued obstinately their own intentions in direct opposition to the trend of the country. The result was the fall of the monarchy on three successive occasions, after which a further trial of it was impossible.

It would be necessary to have seen the condition of affairs in Bordeaux to recognize to what extent I allowed circumstances to govern my course of action. They turned to me because there was nothing else they could do. I was not beloved by the Royalists because they knew that I should never be a passive instrument in their hands.



## LIBERALS SYMPATHETIC.

The Liberals were sympathetically inclined, but they feared my former monarchic leanings; they all put up with me, each party reserving to itself the right to desert me should I show any leanings to any of the three existing parties. I had neither a soldier nor a silver crown with which to face the 800,000 foreign soldiers who were masters of France. It was in such a situation that I had to govern; maintaining my balance between all parties, not one of which gave me frank support.

I crushed a furious insurrection, which had got the upper hand in a capital armed to the teeth; I got rid of the Prussians by keeping my engagements, entering into financial operations which had no precedent, and finally I succeeded in restoring a little order and much confidence. Seeing the work I was doing, the Republican party took heart and supported me, but I was furiously attacked by the Royalists; I let them do and say what they pleased, giving my entire attention to freeing the country.

But once the liberation obtained, I was compelled to close on the three Monarchist parties and to compel them either to accept the republic, which I considered the only form of government possible, or else to establish a monarchy, if they thought themselves capable of undertaking the task. They preferred the latter alternative and I gave them an absolutely free hand. They failed utterly, and proved completely that the republic was the only possible solution.

The situation at present is certainly a difficult one, with a country which has accepted the republican form of government and a government that hates the republic. The results are unfortunate disagreements which may some day lead to serious dangers. With wisdom it may be possible to meet the situation. The great thing is to do everything possible to preserve peace. Your emperor, who is profoundly respected in France, desires peace, and he is right. But Slav sympathies are disquieting Europe to some extent; she would regard with despair a rupture brought about by Oriental agitations.

Believe me, everybody desires peace, and be assured that in spite of our misfortunes we are not those who need it most. May we all preserve peace with dignity. I have written to you at length, as to an old friend, and believe me, the kindly feelings which you bear toward me are fully returned. I should be very happy if you could come and see us. I am spending three months in Switzerland in order to go on with my book. If the fancy should take you to travel a little in Europe, I would enjoy to talk with you of the whole universe—no less. Adieu. Adieu.

A. THIERS.

(*Christian Science Monitor.*)

## FRANCE A REPUBLIC AGAIN.

When the nations of Europe discover that competent rulers born with a genius for governing, like Peter the Great, Julius Caesar, Napoleon, Washington, and Lincoln, are not necessarily born in the family of kings or emperors, like the demoralized Charles II. of England and the dissipated Charles X. of France, they will cease placing little puppets on thrones simply on account of their ancestors.

The better element in France outside of Paris, as well as in it, must assert itself, as its like does in the United States, and place the government above the plane of non-Christian nations. Respect should be shown to all sects, giving equal freedom and action. No amount of ability and public service can make up for an utter lack of principle and morality on the part of those charged with the various duties of administering the affairs of government. No republic, nor any other government can long stand on a foundation other than justice and morality.

## THIERS ELECTED PRESIDENT, 1871.

Until Louis Adolphe Thiers, called the "Liberator of the Territory," became president of the restored republic, August 3, 1871, the instability of republican institutions in France, vacillating through the fickleness of the people and the plotting of pseudo kings and emperors and their adherents, calling themselves monarchists, and the inability of the nation to maintain a government of this character, discredited republicanism and served the purpose of the Holy Alliance, formed by the Emperor of Austria, the Czar of Russia, and the King of Prussia and backed by Metternich and all monarchists generally, to check such promulgation in Europe and throughout the world.

It has been stated that France under a republic was less loyal to Christianity than under the old monarchical system. There is no reason why this should be. Republicanism in the United States and Switzerland and other republics shows as much respect for religion as is shown in other governments. If there is any lack of religion it is not on account of the form of government, but of atheism and the demoralization of the people, who would be the same under a monarchy. Of the forty ministries which came into existence in France from 1870 to 1900 none lasted more than twenty months, "according to the season at which they assumed the reins of power."

The ministry of M. Poincaré established January, 1912, was the forty-fifth since 1875, 37 years.

## THE PRESENT CONSTITUTION OF FRANCE.

The present constitutional laws of France provided only for the bare organization of the public authority, and can be amended virtually at will by the legislature; while the constitutions of Switzerland, Germany and the United States go into great detail, and that of the United States only with the greatest difficulty. The result is that the French constitution although written and technically rigid, bears from the point of view of rigidity in far closer resemblance to the constitution of England than that of the United States. (A. Lawrence Lowell).

"In the preparation of the English texts of French Constitutional and organic laws use has been made of the translation of Professor Charles F. A. Currier, issued as a supplement to the *Annals of the American Academy of Political and Social Science of Fear* 1893.

The following extracts relating to the Constitution of France were taken from Walter Fairleigh Dodd's work on *Modern Constitutions*, University of Chicago, 1912:

## CONSTITUTIONAL LAW ON THE ORGANIZATION OF THE PUBLIC POWERS.

*(February 25, 1875.)*

Article 1. The legislative power shall be exercised by two assemblies: the Chamber of Deputies and the Senate.

## LAW RE-ESTABLISHING SINGLE DISTRICTS FOR THE ELECTION OF DEPUTIES.

Article I. Arts. 1, 2, and 3, of the law of June 16, 1885, are repealed.

Article 2. Members of the Chamber of Deputies shall be elected by single districts. Each administrative *arrondissement* in the departments, and each municipal *arrondissement* at Paris and at Lyons, shall elect one deputy. *Arrondissements* the population of which exceeds one hundred thousand inhabitants shall elect an additional deputy for every one hundred thousand or fraction of one hundred thousand inhabitants. *Arrondissements* in such cases shall be divided into districts, a table of which is annexed to the present law and shall only be changed by law.

Article 3. One deputy is assigned to the territory of Bel-fort, six to Algeria, and ten to the colonies, as is indicated by the table. (See *Jouvenal Official*, Feb. 14, 1889, modified July 22, 1893 and March 30, 1902.)

Article 4. On and after the promulgation of the present law, until the renewal of the Chamber of Deputies, vacancies occurring in the Chamber of Deputies shall not be filled.

#### LAW ON PARLIAMENTARY INCOMPATIBILITIES.

*(December 26, 1887.)*

Until the passage of a special law on parliamentary incompatibilities, Acts 8 and 9 of the law of November 30, 1875, shall apply to senatorial elections.

Every officer affected by this provision who has had twenty years of service and is fifty years of age, at the time of his ac-

ceptance of the office as senator, may establish his rights to a proportional retiring pension, which shall be governed by the third paragraph of the law of June 9, 1853.

#### ORGANIZATION OF THE SENATE.

*(December 9, 1884.)*

Article I. The senate shall be composed of three hundred members, elected by the departments and the colonies.

The present members, without any distinction between Senators elected by the National Assembly or by the Senate and those elected by the departments and colonies, shall retain their offices during the time for which they have been chosen.

Article II. The department of the Seine shall elect ten senators.

The department of the Nord shall elect eight senators.

The following departments shall elect five senators each: Cotes-du-Nord, Finistere, Gironde, Ile-et-vilaine, Loire, Loire-Inferieure, Pas-de-Calais, Rhone, Saone-et-Loire, Seine-Inferieure.

The following departments shall elect four senators each: Aisne, Bouches-de-Rhone, Charente-Inferieure, Dordogne, Haute-Garonne, Isere, Maine-et-Loire, Manche, Morihan, Puy-de-Dome, Seine-et-Oise, Somme.

The following departments shall elect three senators each: Ain, Allier, Ardeche, Ardennes, Aube, Aude, Aveyron, Calvados, Charente, Cher, Correze, Corse, Côte d'Or, Creuse, Doubs, Drôme, Eure, Eure-et-Loir, Gard, Gers, Hérault, Indre, Indre-et-Loire, Jura, Landes, Loir-et-Cher, Haute-Loir, Loiret, Lot,

Lot-et-Garonne, Marne, Haute-Marne, Mayenne, Meurthe-et-Moselle, Meuse, Nièvre, Oise, Orne, Basses-Pyrénées, Haute-Saône, Sarthe, Savoie, Haute-Savoie, Seine-et-Marne, Deux-Sèvres, Tarn, Var, Vendée, Vienne, Haute-Vienne, Haute-Vienne, Vosges, Yonne.

The following departments shall elect two senators each: Rasses-Alpes, Hautes-Alpes, Alpes-Maritimes, Ariège, Cantal, Lozère, Hautes-Pyrénées, Pyrénées-Orientales, Tarn-et-Garonne, Vaucluse.

The following shall elect one senator each: The territory of Belfort, the three departments of Algeria, the four colonies: Martinique, Guadeloupe, Reunion, and French Indies. (Dodd, *Modern Constitutions*, Vol. I pp. 310, 311.)

Act of July 20, 1895, "No one may become a member of either branch of Parliament unless he has complied with the law regarding military service.

*Law of February 25, 1875.*

Article 8. The chambers shall have the right by separate resolution, taken in each by an absolute majority vote, either upon their own initiative or upon the request of the President of the republic to declare a revision of the constitutional laws necessary.

After the two chambers shall have come to this decision, they shall meet together in national assembly to proceed with the revision.

The acts affecting the revision of the constitutional laws, in whole or in part, shall be passed by an absolute majority of the members composing the national assembly.

*Law of August 13, 1884.*

The republican form of government shall not be made the subject of a proposed revision.

Members of families that have reigned in France are ineligible for the Presidency of the Republic.

*Act of July 16, 1875.*

Article 9. The President of the republic shall not declare war without the previous consent of the two chambers.



*Act of July 15, 1875.*

Article 12. The President of the republic may be impeached by the Chamber of Deputies only, and may be tried only by the Senate.

**THE PRESIDENT.**

Article 2. Law of February 25, 1875. The President of the Republic shall be elected by an absolute majority of the votes of the Senate and the Chamber of Deputies. He shall be elected for seven years. He is re-eligible.

Article 3. The President of the republic shall have the initiative of laws, concurrently with the members of the two chambers. He shall promulgate the laws when they have been voted by the two chambers. He shall look after and secure their execution.

Every act of the President of the republic shall be countersigned by a minister. "Under the French system of government functions that are of a purely executive character are vested in a President of the republic and ministers assisted by a numerous and highly centralized body of administrative officials."

"The President is elected every seven years and is paid a salary of one million two hundred thousand francs, half as salary, and half to cover travelling expenses and outlays incumbent upon him as the official representative of the nation."

"The President's authority is but nominal."

"There is no living functionary who occupies a more pitiable position than a French President. The old kings of France reigned and governed. The constitutional king, according to M. Thiers, reigned but did not govern. The President of the United States governs but does not reign. It has been reserved for the President of the French republic neither to reign nor yet to govern." (Henry Maine, *Popular Government*, London, 1885, 250.)

The weakness of the French President's position, says Frederick Austin Ogg, arises specially from two causes in the constitutional law of February 25, 1875. "One of these stipulates that every act of the President of the republic shall be countersigned by a minister. The other provides that the ministers shall be collectively responsible to the chambers for the general policy of the government, and individually for their personal acts."

"In government, however, the most logical system is not always the best, and the anomalous position of the President of France has saved France from the danger of his trying to make

himself dictator, while the fact that he is independent of the changing moods of the chambers has given to the republic a dignity and stability it has not enjoyed before." (A. Lawrence Lowell, *Governments in Continental Europe*).

There are twelve ministerial portfolios created by executive decree.

(1) Interior; (2) Finance; (3) War; (4) Justice and Public Worship; (5) Marine; (6) Colonies; (7) Public Instruction; (8) Foreign Affairs; (9) Commerce; (10) Agriculture; (11) Public Works; and Posts, and telephones; (12) Labor.

*Law of February 16, 1875.*

Article 5. The President of the Republic may, with the advice of the Senate, dissolve the Chambers of Deputies before the legal expiration of its time.

*Law of August 13, 1884.*

Article 12. Paragraph two of Article 5, of the Constitutional Law of February 25, 1875, is amended as follows:

"In that case the electoral colleges shall meet for a new election within two months and the Chambers within ten days following the close of the election."

THE MINISTRY.

The reason that the ministers are responsible for the general policy of the government is to establish the parliamentary system, making the French ministry responsible to the Chamber of Deputies, the same as the English ministry is to the House of Commons, resigning on a hostile vote on any matter of importance.

According to Article 12, Law of July 16, 1875, the ministers may be impeached by the Chamber of Deputies for offenses committed in the performance of their duties, in which case they shall be tried by the Senate.

The ministry is changed very often, forty-five different ministers having been selected since 1875, at the time when Poincaré's ministry was established January 1912.

June 30, 1910, the Briand ministry brought forward the Electoral Reform Bill. Its essential features were. (1) A return to the scrutin de liste, with a department as the electoral area, save that a department entitled to more than fifteen depu-

ties, should for electoral purposes, be divided, and one entitled to fewer than four, should be united with another: (2) An allotment of one deputy to every 70,000 inhabitants, or a major fraction thereof; (3) The division of the total number of the electoral on the register within a department by the number of deputies to which the department shall be entitled, the quotient to supply the names by to determine the number of deputies returned to the Chamber from each competing ticket; (4) the determination of this number by division of the foregoing quotient into the average number of votes obtained by the candidates on each competing ticket, thus introducing the element proportional representation; (5) The making up of tickets in each department from candidates nominated by one hundred electors; (6) The restriction of each elector to vote for but a single ticket; and (7) the extension of the life of the chamber from four to six years, one third of the members chosen bi-annually. In the ministerial declaration accompanying the announcement of this scheme Premier Briand declared that the effect of the scrutin d'arrondissement had been to narrow the political horizon of the deputies; that the electoral area must be broadened so that the interests of the nation must be made to predominate over those of the district; and that, while in a democracy the majority must rule the Government was favorable to proportional representation in so far as the adoption of that principle can prevent the suppression of really important minorities.

During the early months subsequently of 1912 a consideration of this bill was pressed in the Chamber and July 10 the whole of the Government Electoral Reform Bill was adopted by a vote of 339 to 217. At the date of writing, October 1912, the measure is pending in the Senate. (Frederick Austin Ogg, *Governments of Europe*).

#### DEBATE ON ELECTORAL REFORM.

A recent Paris dispatch says that an extremely interesting debate took place in the Chamber recently in consequence of a bill submitted by Pugliesi Conti who asked that the question of electoral reform be settled by a referendum, and demanded immediate discussion on the grounds of urgency.

It is supposed that this action was prompted by the deadlock that has been created through the Senate having repeatedly rejected the reform bill as passed by the Chamber, and more recently by the refusal of the Senate committee to consider any of the concessions that the Chamber asked for.

It was considered that this referendum would be a means

of relieving the advanced sections of the Liberal party and the Socialists of any unpleasant consequences at the hands of their constituents at the forthcoming elections, through their unsympathetic attitude toward the reform.

The debate was carried on with considerable opposition. Andre Hesse in reply to Pugliesi Conti said that the motion was not even tenable and that the constitution gave to the Chambers a power which they had no right to delegate. M. Doumergue, the president of the council, also opposed the motion on the grounds that it was unconstitutional and the debate was then continued by the Socialist members, and became specially interesting from the fact that it drew from M. Briand a speech which is regarded as a very notable one.

M. Briand began by saying that he opposed the bill not only for the reason already stated by the previous speakers, but for a further one to which he desired to draw the attention of the Chamber. Four years ago at a similar epoch, a few months before the general elections, the question of electoral reform had been raised, and the feeling of the Chamber had been one of approval.

He was himself in office at the time and thought it right to ask the Chamber to leave so important a reform to be decided by the country itself. The elections afterwards took place, and they had reason, as the representatives of those elections, to look back and ask themselves what they had accomplished.

M. Briand's question drew forth immense applause, after which he went on to say that on various occasions they had declared that the wish of their electors had been clearly expressed in favor of electoral reform. They had even, on various occasions, voted the "scrutin de liste" with representation for minorities, and as chief of the government he had gone before the Senate to support their decision as being their best idea of universal suffrage. The Senate had rejected their wish, and he wished to ask them if they themselves were beginning to waver, or if they had the smallest doubt as to the feeling of the country.

On the very eve of the elections it would look as though they felt the need, with regard to this question which had weighed so heavily on Parliament, of turning again to the country, wondering if, after all, the Senate were in the right and they in the wrong. They had stirred the whole country to its very depths, and had represented this question as the most serious and urgent of all, and yet they were now ready to declare weakly and disconsolately that they simply did not know what to do, thus showing the most deplorable weakness.

He had himself fought for this reform with the conviction that it responded to the needs of the country, and it was not by

means of a referendum that they could now ask for the country's reply. As representatives of universal suffrage it was for them to stand firm and declare that they had not been misled as to the feelings of the country, and were fully convinced that those feelings had not changed. He would like to know whether, in case the vote were again rejected by the Senate, they intended then to ask for a further referendum so as not to disturb the various parliamentary groups.

On the eve of the last elections, M. Briand said, he had told them that the problem of universal suffrage to be laid before the electors was a delicate one, and that it must be settled by them on the understanding that there must be no coalitions. These coalitions had, nevertheless, been formed, and he wanted to know whether this most essential parliamentary reform was going to be abandoned, and whether those who had said at the public meetings that nothing in the way of political progress could be accomplished without electoral reform, were now going to abandon their ideas of such reform in favor of new combinations, or for the sake of electoral convenience and custom. If they were going to do this the country alone could judge them.

It was for these reasons, the speaker said, that he would not vote for a referendum which could only be humiliating to the representatives of universal suffrage. On putting the bill to the vote it was rejected by 385 votes to 175, the latter figure representing the votes of the Socialists and the members of the right.

#### THE PARLIAMENTARY SYSTEM.

"The theory of the parliamentary system is based upon the idea that the government of the country is entrusted to a committee the members of which are jointly responsible to the popular chamber for the whole conduct of the administration, so that a hostile vote on any question is a condemnation of each and all of them. Hence the theory implied that the ministers must cling to each other and present to the chamber a single front and a consistent policy."

"In almost all the states on the continent this is true to some extent; and various methods of parliamentary procedure already mentioned, together with certain peculiarities of condition and temperament among the people have tended to foster it."

"The English parliamentary practice has been generally followed so far as the form is concerned and the whole cabinet habitually resigns on a hostile vote of the chambers; but in substance the ministers are by no means jointly responsible, because as soon as they have resigned a new cabinet is formed which



often contains several members of the old one. (Governments of Continental Europe, Lowell, page 213, Vol. 1.)

The great distinction between a constitutional monarchy and a constitutional representative republic is in having a monarch or king in the executive chair who holds his office for life and passes it on to his successor, while a president is elected by the people for a limited term of years.

The king or emperor claims the divine right to rule and places himself upon a pedestal above the people and assumes a superiority over them which he seldom earns, or attains by his own ability.

#### THE CODE CIVIL, OR CODE NAPOLEON.

Napoleon, when First Consul, appointed a special commission to draft a code. Difficult questions were referred to the Council of State over which Napoleon often presided. A new *Code Civile de Francais* was promulgated March 31, 1804. Consequently it has been in operation 110 years.

Since September 4, 1870, it has been called the code civil. It is patterned after the Institutes of Justinian in some respects. Many changes have been made since 1871. A commission was appointed in 1904 to revise the code, containing 2,281 articles. (See *La Code Civil*, livre due Centenaire, Paris, 1904.)

There are four other codes.

The Code Civil Procedure, of 1,042 articles.

The Code of Commerce, 648 articles.

The Code of Criminal Instruction, 648 articles.

The Penal Code, 284 articles.

"In accordance with the French interpretation of the theory of the separation of powers, it is the general rule on the continent of Europe that the ordinary courts administer only private laws between citizens and the questions affecting the rights and status of public officials are withdrawn from their jurisdiction." (A. Lawrence Lowell, *Government of England*, Vol. 1, p. 7.)

"In France there is a distinction between public law and private law. There are ordinary administrative courts. Each maintains exclusive jurisdiction. There is one law for the citizen and another for the public official. The judges of the administration courts can be removed by the president; the ordinary judges cannot be removed without the consent of the Court of Cassation. These are appointed by the President on the recommendation of the minister of justice.

"A tribunal is appointed to settle questions of jurisdiction, composed of the minister of justice, of three members of the highest Court of Cassation, of three members of the highest administration court.

"All the members are chosen for three years except the minister of justice, who presides." (See Prof. Dicey's *Law of the Constitution*, Chap. XII., *Comparison English and French Systems*).

History shows that the vacillating methods in France were brought about mostly during the period in which the monarchical system of government prevailed. The success of any republic rests upon the belief in a Divine Ruler, above the government, not in the divine right of earthly kings as claimed by monarchies; and upon universal compulsory education and loyalty to the constitution, which should be regarded with more respect than any king, because it is the great charter of the people's liberty.

The French republic has in some measure gained prestige since 1871, and eight presidents have managed under many difficulties to continue the republican form to the present time. Louis Adolphe Thiers 1871-1873; Marshal MacMahon, who favored a monarchy, 1873-1879; Jules Grevy, 1879-1887; F. Sadi-Carnot, 1887-1894, murdered at Lyons by an anarchist 1894, Casimir-Perier, June 1894-June 1895, Resigned; Felix Faure, 1913, and Raymond Poincare, January 17th, 1913. Elected for seven years.

Instead of paying 25,000,000 francs to a king or emperor, the republic now pays its president, equally if not more competent to rule, the sum of 1,200,000 francs a year, half as his salary and half to cover traveling expenses and the outlays incumbent upon him as the official representative of the nation.

FRENCH MINISTRY RESIGNS; AND ARISTIDE BRIAND FORMS NEW MINISTRY: FOREMOST FRENCHMAN ON LIST.

1916.

Aristide Briand, premier and minister of foreign affairs; Charles De Freycinet, vice president of the cabinet and minister of state; Gen. J. S. Gallieni, minister of war; Rene Viviani, minister of justice; Louis J. Malvy, minister of the interior; Rear Admiral Lacaze, minister of marine; Alexander Ribot, minister of finance; Prof. Paul Painleve, minister of public instruction and inventions concerning national defense; Marcel Sembat, minister of public works; Etienne Clementel, minister of commerce; Gaston Dumergue, minister of colonies; Jules Meline, minister of agriculture; Albert Metin, minister of labor; Emil Combes,

Leon Bourgeois, Denys Cochin, and Jules Guesde, ministers without portfolio.

PRESIDENT POINCARE PREDICTS THE END OF THE WAR.

A Paris dispatch says: "Nineteen hundred and sixteen will be our year of victory," says Monsieur Poincaré in a New Year message to "The Officers and Soldiers of France," which was distributed along the the whole front.

Everywhere it is the same, he says, a determined resolution to hold fast, to endure and to vanquish. Shall we tomorrow be the vassals of a foreign empire? Shall our industries, our commerce, our agriculture be placed forever under the influence of a power which openly flatters itself on aspiring to universal domination, or shall we safeguard our economic independence and national autonomy?

This is a terrible problem, which admits of no halfway solution. Any peace which came to us with suspicious form and equivocal purpose would bring us only dishonor, ruin and servitude. The free and pure genius of our race, our most venerated traditions, the ideas which are dearest to us, the interests of our citizens, the fortunes of our country, the soul of the nation, everything which has been left by our ancestors and all that we ourselves own would be the prey of Germanic brutality.

No French persons desired this war. All the governments since 1871 have endeavored to avoid such a war. Now that it has been declared against us in spite of ourselves, we must carry it on with our faithful allies until we have gained victory, the annihilation of German militarism and the entire reconstitution of France.

You will win, the message concludes. The year which is beginning will bring you, my friends, elation of heart for having accomplished the defeat of the enemy and the joy of returning to your homes, there to celebrate the victory calmly with those whom you love. (Christian Science Monitor.)

FRANCO-PRUSSIAN WAR ANNIVERSARY.

July 24, 1915 was the forty-fifth anniversary of the declaration of war by France against Prussia, which took place July 19, 1870. It had been reported that war was declared on the 15th, and indeed ever since that day war had been certain, but each side put off the formal break in the hope of gaining a slight moral advantage by forcing the other to make it, and not until July 19 did Napoleon III. definitely announce a state of war.

On July 15, 1870, the New York Times said editorially: "It is still neither war nor peace. The Emperor is like a man on the verge of taking a step which must be irrevocable and may overwhelm him in disaster." These remarks could have been paralleled from any New York paper during the last week of July, 1914. The Emperor here referred to, of course, is Napoleon III. Further on in the same article occurs the passage: "M. Prevost Paradol insisted two years ago that it was the destiny of France to crush the colossus which threatened to bestride Europe. \* \* \* But the Emperor has allowed no one to suspect his plans, preferring to let his project break upon the world like a thunderbolt from a clear sky. \* \* \* Before many people understand what it all about two vast armies will have met in the shock of battle.

Indeed, it was not till a long time later that people understood just what it was about; the pretext was the candidacy of a Hohenzollern Prince for the throne of Spain, but the candidacy was withdrawn on July 12. War was precipitated by Bismarck's editing of the famous telegram from Ems describing the interview between the King of Prussia and Count Benedetti, the French Minister, in which the latter presented Napoleon's demand that the candidacy should not recur, and was politely refused. Bismarck so altered the news message as to make it appear that there were practically reciprocal insults. The fundamental cause, however, was the rivalry between France and Prussia for the dominant position on the Continent, with which was bound up the German desire to unify the nation and Napoleon's unwillingness to see this great power grow up on his frontier, and the constant series of irritations which had grown up out of Napoleon's vain attempt to get "compensation" for the successive gains of Prussia in the previous decade.

On July 18, 1870, The New York Times quoted The London Times as saying: "France without a shadow of excuse or justification plunges Europe into a war of which no living person may see the end," and continues: "The proofs increase every hour that this will be a war of colossal magnitude. It is said that the United States cannot possibly be drawn into it. But how can there be any certainty of that? A misunderstanding with regard to an American vessel, intercepted on the high seas by a belligerent power, might compel us to take an attitude which would end the war." And on the same page there is an editorial with the familiar heading: "Where Are Our Merchant Ships?"

The war which followed lasted about seven months, saw the overthrow of the French Empire after the first month of disasters, the rebuilding of a provisional Government which heroically defended Paris in a long siege and raised enormous volunteer

armies to relieve the capital, and the final surrender of France after Paris had capitulated and the untrained armies of the south had been beaten. France lost Alsace and Lorraine and paid \$1,000,000,000 war indemnity.

With all the striking parallels between the situation in the Summers of 1870 and 1914, there are two remarkable contrasts. One is the speed of mobilization. In 1870 both sides began to mobilize July 15, but it was eighteen days later, Aug. 2, before the first skirmish occurred at Saarbruecken, and not till Aug. 6 was the first pitched battle between entire armies.

Last year mobilization began in the last day or so of July. The first general engagements took place between the 15th and 20th of August, but this delay was due to the fact that the Germans were marching through Belgium, and the French had wasted much of their martial strength in the Alsatian adventure. The attacks on Liége on Aug. 5, less than a week after mobilization began, were an engagement of greater magnitude than that of Weissenburg, fought Aug. 4, 1870, after each side had had more than three weeks to get ready.

The other difference lies in the fact that while in each case Germany beat France at the start, in 1870 her victories were decisive. MacMahon's army was so badly beaten at Woerth on Aug. 6 that it had to retire to Chalons, and did not recover for two or three weeks. Meanwhile, the other great French army, that of Bazaine, had been outflanked, headed off at Mars-la-Tour and Gravelotte, and finally driven back into Metz and shut up. Then MacMahon was attacked and annihilated at Sedan.

The French defeats at Charleroi and in Luxemburg and the British defeat at Mons last August, were not as severe as that of Woerth, in the first place; and Joffre kept his troops in hand. Instead of being outflanked or headed off, he held his armies together, and finally stopped the Germans on the Marne.

#### FRENCH SCIENTISTS FORSEE A NEW FRANCE.

"France and the French After the War" is the subject of much speculation by philosophers, scientists, and doctors. Emile Boutroux, the French philosopher, thinks France will come out of the trial better and greater in spite of all of the destruction of life and property, says the Associated Press.

"So many human lives taken, so many masterpieces of the past reduced to powder, so much artistic and material wealth annihilated stupefies us and leaves our souls in incurable pain," he says. "All these sacrifices, however, may in certain ways contribute directly to the betterment of life in our country."



"Our cities and the country contain a great many unhealthy habitations," he declares, "that we were unable to decide ourselves to demolish. We hesitated before the difficulties and before the expense. War has put us face to face with the accomplished fact. Unhealthy and incommodious buildings have disappeared and will be replaced by constructions conforming to hygienic laws and to the needs of modern life. Many defective conditions of our existence will thus be improved by the reconstruction that will be imposed upon us.

"Death awakens life. After 1870 France pulled herself together and pushed out vigorously in every direction. What shall be its power of development after this terrible trial, above all if the issue is favorable to us?

"The cause of the low birthrate," Boutreaux thinks, "resides primarily in selfishness and the disposition to consider only the present or the immediate future. With confidence in the future, with a vast distant perspective opened up, there is awakened a desire to glorify one's self in one's descendants. \* \* \* A vast career will open up before science, before art, literature, and before practical activity in all its forms.

"Measures that are most contrary to the indifference of yesterday are today accepted without objection, such as the prohibition of the traffic of absinthe. Civilization has been loaded down with a thousand fictitious needs, foreign and harmful to nature; a great many of them are so many chains upon nature, and as many causes of fragility and weakness. Now, all at once, lacking all these superfluities, we feel no sense of privation. We are conscious, on the contrary, of re-entering upon full possession of our strength and of being better able to dispose of it for the accomplishment of useful work.

"War," he says, "not only liberates us from selfish passions, but teaches positive virtues; the value of decision, intrepidity, sacrifices of life to honor and to the fatherland; it requires of us patience, and this people who were thought incapable of supporting in silence long and painful trials, this people of whom its enemies said that 'they would come to their aid by insurrection' remained calm and resolute. \* \* \* The French, it was said, were not apt to act collectively. Their incurable individualism precluded vivacity of mind and talent, except to combat one another. Examples they have given of unity and the efficiency of collective effort will have as important an effect upon France of the future as any other of the lessons of the war."

Dr. Chauffard, of the Academy of Medicine, before the Alliance d'Hygiene Sociale, speaking of the mobilization order and comparing it to one of the great physical phenomena which constantly trouble the universe, like earthquakes, tidal waves, &c.,

says that "the manner in which France supported the shock augurs well for the health of the race after the war."

"Adaptation," he says, "is the greatest law of biology, for we live and preserve our physical and moral life by adaptation only. He who is incapable of adapting himself succumbs. The French race adapted itself admirably to this unforeseen danger, and to realize this it is only sufficient to remember what Paris and what France were at the moment the mobilization order was published. For the calm confidence with which each one went to his duty we are indebted to a quality that we did not know we possessed perhaps to that degree—nervous stability, to the mastery of ourselves, to the control that we have not lost of our nervous system.

"In a collectivity there are always a certain number of individuals who suffice for their daily life, but who are unable to accomplish a more arduous task or to support an unforeseen shock. When the hour of the trial arrives those succumb. They lose their heads. During the first days of the mobilization a number of such subjects profoundly troubled mentally, arrived at the hospitals, but in reality their number in proportion to the number of healthy subjects was very small, and many of these troubles were of very short duration. The trial was severe, but it was to our honor because it bears witness that the French race has not degenerated.

"We knew by long experience that every war involves the outbreak of a great many diseases, and we were very agreeably astonished during the first three months of this war that sickness was very rare in all our sanitary stations. The army in barracks reflects the state of health of the civil population with which it is associated. If we were not at war we should now see the diseases of the season appear in all our garrisons, but on the contrary, the army in action is remarkably free from them, and, fortunately, in proportion to the dead, the wounded and the sick there will remain a far greater number who have escaped all the dangers. These will come back hardened, more resistant than they were before, ennobled, ripened and better tempered physically as morally."

This improved condition of the survivors, Dr. Chauffard thinks, will more than offset the decrease in the birthrate, due to the many deaths, and for that reason he considers that the general physical condition of the French race will be improved by the war.



## CHAPTER XIII.

## THE CONSTITUTION OF NORWAY.

Norway had existed as an independent kingdom from 872 until 1397 when Queen Margrete of Denmark (mother of the last Norwegian king, Olaf Haakonson) joined the three kingdoms, Norway, Denmark and Sweden by the "Union of Kalmar." Sweden broke away from this union in 1524, but Norway remained under Danish rule (practically as a province) till the peace of Kiel, January 14, 1814, when it was given up to Sweden by Denmark. This was met with a determined opposition from the Norwegian people, who immediately established a provisional government and elected delegates to a Diet which on May 17, 1814, promulgated the "Constitution of Norway." The former Danish viceroy in Norway, Prince Christian Frederick (later king of Denmark), was elected king. A war with Sweden resulted, lasting until August, 1814, when, at the Convention of Moss, the two kingdoms were united, and the crown passed to the Swedish king, Carl XIII. The new constitution adopted November 4, 1814, provides that "Norway is a free, independent, indivisible and inalienable kingdom united to Sweden under one king," the united kingdoms in their foreign relations to be regarded as one state, but in all else to be independent sovereignties with two distinct forms of government.

The attempts of Carl XIII. (1814-1818), and his successor, Carl XIV., Johan (1818-1844), to override the constitution and extend the royal prerogatives led to many parliamentary contests, some of them quite serious. A better feeling existed during the reign of Oscar I. (1844-59), and Carl XV. (1859-1872), but when Oscar II. became king in 1872 the bond between the two nations had practically been reduced to a mere personal union. When, in 1897, the radical party in Norway came into power, the Storting passed several acts providing for a separate diplomatic and consular service for Norway, for the elimination of the "union jack" in the Norwegian flag, and for several other changes in the constitution along the same lines. The king strongly opposed these attempts to give the country greater independence, and although he finally yielded on the flag question the dissatisfaction increased until, in the spring of 1905, the Storting, backed by the unanimous vote of the people, termin-

ated the alliance with Sweden, and issued a declaration of independence. A Danish prince, Carl, was elected king and as such assumed the name of Haakon VII. The changes in the constitution necessitated by the altered conditions were made by the same Storting. Very few changes have since been made, the only noteworthy one being the act of June 11, 1913, which grants women equal franchise with men (Section 50 of the Constitution) —the first legislation of its kind in Europe.

—PETER B. OLSEN.

### *CONSTITUTION OF THE KINGDOM OF NORWAY.*

TRANSLATED FROM THE EDITION OF MAY 17, 1914, PUBLISHED  
BY AUTHORITY OF THE PARLIAMENT OF NORWAY.

#### A. RELIGION AND FORM OF GOVERNMENT.

ARTICLE 1. The Kingdom of Norway is a free, independent, indivisible and inalienable state. Its form of government is a limited, hereditary monarchy.

ARTICLE 2. The Evangelical Lutheran religion shall continue as the established religion of the state. Such inhabitants as profess the same shall educate their children therein. Jesuits must not be tolerated.

#### B. THE EXECUTIVE POWER, THE KING AND THE ROYAL FAMILY.

ARTICLE 3. The executive power shall be vested in the King.

ARTICLE 4. The King shall constantly profess, maintain and defend the Evangelical Lutheran religion.

ARTICLE 5. The King's person is sacred; he can neither be censured nor impeached. The responsibility rests on his ministry.

ARTICLE 6. The succession shall be lineal and agnatic so that only a son born in wedlock can succeed the father. The nearer line shall precede the farther, and the older person in the line the younger.

A posthumous child shall be deemed in the line of succession, and shall take his appropriate place therein as soon as born. When a Prince who is heir to the Crown of Norway is born, his name and date of birth shall be reported to the next Storting in session, and entered in its journal.

ARTICLE 7. If no Prince, heir to the Crown, be living, the King may propose a successor to the Storting which shall have



power to choose a successor, if the choice of the King is not approved.

ARTICLE 8. The age of majority of the King shall be prescribed by law. The King shall publicly proclaim himself of age as soon as he has attained his majority.

ARTICLE 9. As soon as the King, on coming of age, assumes the government, he shall take the following oath before the Storthing: "I promise and swear that I will govern the kingdom of Norway in conformity with its constitution and laws, so help me the all-powerful, omniscient God." If no Storthing is then in session, the oath shall be deposited in writing with the ministry, and shall be solemnly repeated by the King, at the next Storthing.

ARTICLE 10. Repealed, March 14, 1908.

ARTICLE 11. The King shall reside in Norway and must not leave the country for a longer period than six months at a time without permission from the Storthing. Otherwise he shall forfeit his right to the throne.

The King must not accept any other crown or govern any other country without the consent of the Storthing by a two-thirds vote.

ARTICLE 12. The King shall appoint a ministry of Norwegian citizens, who shall be not less than thirty years of age. The ministry shall consist of one Minister of State, and not less than seven other members. The King shall apportion the public business among the members of the ministry in such manner as he deems best. The King, may, on extraordinary occasions, in addition to the regular members of the ministry, summon other Norwegian citizens, not members of the Storthing, to a seat in the ministry. Father and son, or two brothers, shall not have a seat in the ministry at the same time.

ARTICLE 13. When traveling within the boundaries of Norway the King may leave the administration of the domestic affairs of the realm to the ministry, who shall carry on the government in the name and on behalf of the King. They shall sacredly conform as well to the provisions of this constitution as to the several instructions in harmony therewith, prescribed to them by the King. Their transactions shall be determined by vote, and in case of an equal division the Minister of State, or, in his absence, the senior member, shall have two votes.

They shall present to the King a record of all cases disposed of by them.

ARTICLE 14. Repealed, June 30, 1891.

ARTICLE 15. Repealed, November 18, 1905.

ARTICLE 16. The King shall prescribe rules for all public religious and church service and for all meetings and conventions

relating to religious affairs, and he shall take care that the public instructors of religion adhere to the standards prescribed for them.

ARTICLE 17. The King may enact and repeal ordinances relating to commerce, customs, industrial pursuits and public order, not, however, in conflict with the constitution or the laws of the Storthing, passed pursuant to the provisions of articles 77, 78 and 79 of this constitution. Such acts of the King shall remain provisionally in force until the next session of the Storthing.

ARTICLE 18. The King shall, ordinarily, cause the taxes and imposts, levied by the Storthing to be collected.

ARTICLE 19. The King shall take care that the estates and regalia of the State be used and managed in the manner prescribed by the Storthing, and to the greatest advantage of the public.

ARTICLE 20. The King shall have power, in council, to pardon offenders after conviction. The offender shall, however, have the option to accept the pardon of the King or to suffer the punishment adjudged. No pardon or reprieve, except the remission of the death penalty, shall be granted in cases prosecuted by the Odelsting in the Court of Impeachment.

ARTICLE 21. The King, after hearing his Ministry, shall appoint and induct all civil, ecclesiastical and military officials, who shall take an oath of obedience and fealty to the Constitution of the King, or who, if relieved by law from such an oath, shall solemnly declare their fealty to the same. Royal Princes shall not hold civil office.

ARTICLE 22. The King may, after taking the advice of the Ministry, without the warrant of judicial decree, remove from office the Minister of State and other members of his cabinet as well as officials in the bureaus of the Ministry, Ambassadors and Consuls, the chief civil and ecclesiastical officials, the highest commanding officers of regiments and other military bodies, of forts and of men-of-war. Whether pensions shall be granted to officials thus removed, shall be determined by the next Storthing, but in the meantime they shall continue to receive two-thirds of their former salary.

Other officials are only liable to suspension by the King, and when suspended, shall at once be proceeded against in the Courts, and shall not without judgment be removed, nor transferred without their consent.

Any public official may be discharged without action of a court when he has reached a certain age, to be fixed by law.

ARTICLE 23. The King, at his pleasure, may confer orders of merit, in recognition of distinguished services, to be publicly announced, but no other rank or title than that conferred by an

office occupied. Such orders shall relieve no one from the duties and burdens common to all citizens, nor shall they confer any preference in securing admission to the public service. Officials, honorably discharged, shall retain the *title* and *rank* of the office they occupied. No personal or mixed hereditary prerogatives shall hereafter be conferred on anyone.

ARTICLE 24. The King may, at pleasure, select and dismiss the employes and officers of his royal household.

ARTICLE 25. The King shall be Commander-in-Chief of the land and naval forces of the realm. These forces shall neither be increased nor diminished without the consent of the Storthing. They shall not be placed in the service of foreign powers, nor shall the military forces of any foreign powers, except auxiliary troops to repel hostile attack, be brought within the realm without the consent of the Storthing.

Norway's troops and coast flotilla shall not be employed in offensive war without the consent of the Storthing. The home guard and other Norwegian troops, not classed as troops of the line, shall never be employed outside of the boundaries of Norway without the consent of the Storthing.

ARTICLE 26. The King shall have power to call out the troops, to commence war and make peace, to enter into treaties, and to abrogate the same, and to send and receive diplomatic representatives. (Repealed, 1905.)

ARTICLE 27. All members of the Ministry without valid excuse, shall attend the cabinet meetings, and no action shall be taken when less than one-half of the members are present.

ARTICLE 28. Communications concerning appointments to office and other matters of importance shall be presented for consideration to the Ministry by the member thereof in whose department the business belongs, and he shall dispose of the same conformable to the decision of the Ministry. Orders of a strictly military nature are excepted from this rule to such an extent as the King shall decide.

ARTICLE 29. If a member of the Ministry is unable, for valid cause, to attend and present for consideration matters pertaining to his department, the same shall be presented by another member of the Ministry, appointed for that purpose by the King. If, for valid cause, so many are absent that not more than half of the regular members are in attendance, then other officials shall be appointed, in the same manner, to sit in the Ministry temporarily.

ARTICLE 30. The Ministry shall keep a record of all business transacted by it. A separate record shall be kept of such diplomatic matters and such orders to the Army as the Ministry decides to keep secret.

It shall be the duty of every member of the Ministry to fearlessly express his opinion, to which the King shall listen, but he may decide according to his own judgment. If any member of the Ministry finds that the decision of the King is in conflict with the form of government or the laws of the realm, or is manifestly detrimental to the country, it is his duty to vigorously protest against the same, and to enter his objections in the record. He who does not thus protest, shall be deemed to have concurred with the King, and shall be accountable therefor, as subsequently determined, and may be impeached by the Odelsting in the Court of Impeachment.

ARTICLE 31. All decrees issued by the King shall be countersigned in order to be valid. Military commands shall be countersigned by the member who has charge of them, and other matters by the Minister of State or, in his absence, by the ranking member present.

ARTICLE 32. Decisions made by the Ministry during the absence of the King, shall be issued in his name, and attested by the Ministry.

Repealed, Aug. 12, 1908.

ARTICLE 34. The heir apparent, if son of the reigning King, shall bear the title of Crown Prince. The other royal heirs shall be known as Princes, and the royal daughters as Princesses.

ARTICLE 35. As soon as the heir apparent has filled his 18th year, he shall be entitled to take his seat in the Ministry, but without vote or responsibility.

ARTICLE 36. No Prince of the blood shall marry without the consent of the King nor must he accept any other crown or govern any other country without the consent of the King and of the Storthing (by a two-thirds majority). If he violates this rule, he shall forfeit his right to the crown of Norway.

ARTICLE 37. The royal Princes and Princesses shall, personally, only be answerable to the King, or to such judge as he may ordain for them.

Repealed, Nov. 18, 1905.

ARTICLE 39. If the King dies and his successor is still under age, the Ministry shall immediately issue a call for a (special) session of the Storthing.

ARTICLE 40. Until the Storthing is convened and has provided for the government during the minority of the King, the affairs of the government shall be conducted by the Ministry in conformity with the Constitution.

ARTICLE 41. If the King is absent from the country without being engaged in war, or is too ill to conduct the administration, the prince who is entitled to the succession, if of age, shall con-

duct the administration as the temporary representative of the King. If not, the ministry shall conduct the affairs of state.

ARTICLE 42. Repealed, Nov. 18, 1905.

ARTICLE 43. The selection of a Regency to conduct the administration for the King during his minority shall be made by the Storthing.

ARTICLE 44. The prince who conducts the administration in the cases provided for in Article 41, aforesaid, shall take the following oath in writing before the Storthing:

"I promise and swear that I will conduct the administration of the government according to the constitution and the laws, so help me God, the omnipotent and omniscient." If the Storthing is not at that time in session, the oath shall be deposited with the ministry.

A prince who has once taken this oath, does not repeat it.

ARTICLE 45. As soon as the administration of the Ministry shall cease, they shall render an account of the same to the King and the Storthing.

ARTICLE 46. If those on whom it is incumbent, pursuant to Article 39 fail to immediately convene the Storthing, it shall be the peremptory duty of the Supreme court, after a lapse of four weeks, to convene the same.

ARTICLE 47. The management of the education of a King under age, shall, if his father has left no written directions concerning the same, be provided for by the Storthing. It shall be the invariable rule to give the King, during his minority, ample instruction in the Norwegian language.

ARTICLE 48. If the royal male line be extinct, and no successor has been selected, a new line of kings shall be chosen by the Storthing. Meanwhile the government shall be conducted as in Article 40 provided.

#### C. CITIZENSHIP AND THE LAW-MAKING POWER.

ARTICLE 49. The people shall exercise the legislative power through a Storthing, composed of two bodies, a Lagthing and an Odelsting.

ARTICLE 50. All Norwegian citizens, male and female, dwelling within the realm, who have attained the age of 25 years and have been residents of the country for five years, shall be qualified voters.

ARTICLE 51. Rules for the registration and recording of voters shall be prescribed by law.

ARTICLE 52. The right of suffrage shall be suspended by:

a) Indictment for criminal offenses, according to statute; by



b) being placed under guardianship; and in cases where

c) Repealed March 7, 1914.

d) husband, wife, or children under fifteen years of age, being supported, or have during one year immediately preceding the election, been supported as public paupers, unless the amount of such support has been refunded by such person before the close of registration.

Support rendered in the form of being placed in a hospital or an asylum, or to cover other expenses in cases of sickness, for the education of mentally delinquent children, for specially prescribed education of children in schools, or for supplying children with free school books and supplies, shall not cause suspension of the right of suffrage.

ARTICLE 53. The right of suffrage shall be forfeited by;

a) having been sentenced for criminal offenses according to statute; by

b) entering the service of a foreign power, without the consent of the government; by

c) acquiring citizenship in a foreign country; and by

d) being convicted of buying votes, of selling one's own vote, or of voting more than once in any one election.

ARTICLE 54. Elections and electoral meetings shall be held every third year. They shall be concluded before the end of the month of November.

ARTICLE 55. Elections shall be managed according to rules prescribed by law. Controversies about the right to vote shall be determined by the judges of election from whose decision appeal may be taken to the Storting.

ARTICLE 56. Articles 50 to 64 of this Constitution shall be audibly read by the presiding judge of election before the voting begins.

ARTICLE 57. The Cities shall elect forty-one representatives to the Storting. Of this number, one shall be elected from Aalesund and Molde combined; one from Arendal and Grimstad combined, four from Bergen, one from Bodo and Narvik combined, one from Brevik and Holmestrand combined, two from Drammen, one from Flekkefjord, one from Frederikshala, one from Frederikstad, one from Hammerfest, Vardo og Vadso combined, one from Haugesund, one from Horten, one from Kongsberg and Honefoss, one from Kragero, five from Kristiania, two from Kristianssand, one from Kristiansund, one from Larvik and Sandefjord combined, one from Lillehammer, Hamar, Gjovik og Kongsvinger combined, one from Moss and Drobak combined, one from Porsgrund, one from Risor, one from Sarpsborg, one from Skien, two from Stavanger, one from Tromso,

four from Trondhjem and Levanger combined, and one from Tonsberg.

Cities not named above, or which may be hereafter founded, shall be attached to such election district as may be provided by law.

§ 59. The rural districts shall elect eighty-two representatives to the Storting. Of these, five shall be elected from the county of Akershus, five from the county of Nordre Bergenhus, six from Londre, Bergenhus, four from Bratsberg, four from Buskerud, two from Finnmarken, six from Hedemarken, four from Jarlsberg and Laurvik, five from Kristian, four from Lister and Mandal, four from Nedenes, six from Nordland, five from Romsdal, five from Smaalenene, five from Stavanger, three from Tromso, four from Nordre Trondhjem, and five from Sondre Trondhjem.

§ 59. The number of representatives shall always be in the ratio of one from the cities to two from the rural districts.

Every legislative district in which more than one representative is elected shall be divided into as many election districts as there are representatives to be elected. Rules for such division and for the management of the elections shall be prescribed by law; provided, that, in addition to the provisions of this Constitution, the following rules shall be observed:

a) Every city and, in the rural districts, every parish and every organized village, shall constitute an election precinct. Where a city has two or more election districts, each such district shall constitute a precinct. A part of a city which is combined with one or more other cities in one district, shall be a precinct. In the rural districts an election district shall consist of the same or contiguous election precincts. Changes in the boundaries of an election district which are not necessitated by a change in the general administrative districts of the country, shall have no effect on the election of representatives to the Storting for the period next following such changes.

b) Separate elections shall be held in each precinct, at which a representative in the Storting and an alternate for the district shall be elected by direct vote. Should a candidate for representative receive less than one-half of the votes cast and officially counted in the district, a new election shall be held, at which the result shall be decided by simple plurality or, in case of a tie, by lot.

ARTICLE 60. Qualified voters, being within the country, who, by reason of sickness, military service, or other valid excuse, are unable to attend the polls, may, in writing, transmit their votes to the judges of election before the polls are closed.

To what extent and in what manner qualified voters living out-

side the country may vote by sending their written ballots to the judges of election, shall be subject to legislation.

ARTICLE 61. No one shall be elected Representative unless he is thirty years of age, has resided in the country ten years, and is a qualified voter in the district from which he is elected.

ARTICLE 62. Officials employed in the bureaus of the Ministry and the officials and pensionaries of the Court, are ineligible for representatives.

Members of the Ministry cannot sit in the Storthing as representatives during their term of office as ministers.

ARTICLE 63. Whoever is elected Representative, unless elected under the second clause of Article 61, shall be required to accept the office, unless prevented by an excuse deemed valid by the Storthing. Whoever has served as Representative in three regular sessions of the Storthing succeeding the same election, shall not be bound to accept election to the next Storthing.

A person who is elected representative and is not bound to accept the election, must within the time and in the manner prescribed by law declare whether he will accept the office or not.

If a person is elected as representative from two or more election districts within the district in which he is a qualified voter, he shall decide which election he will accept within such time and in such manner as shall be prescribed by law.

ARTICLE 64. The representatives-elect shall be furnished with certificates of their election, the validity of which shall be passed upon by the Storthing.

ARTICLE 65. Each representative, and each alternate, who has served as such shall be entitled to compensation from the State treasury for traveling expenses to and from the Storthing, and from the Storthing to his home, and return, for a vacation of at least one month, and for medical attendance and cure in case of sickness.

He shall also be paid a salary of three thousand crowns for attendance at a regular session of the Storthing.

If a representative and an alternate from the same district both have served in a regular session, the salary shall be divided between them according to the length of time each has served.

For attendance at an extra session the compensation shall be twelve crowns per day.

ARTICLE 66. Representatives shall, except when apprehended in public offences, be exempt from arrest during their attendance at the Storthing and in going to and returning from the same; and they shall not be answerable, outside of the sessions of the Storthing, for the expression of their views therein. But every

Representative shall conform to the established rules of procedure.

ARTICLE 67. The Representatives elected in the manner aforesaid shall constitute the Storthing of the Kingdom of Norway.

ARTICLE 68. The Storthing shall, as a rule, convene on the first week-day after the tenth day of January in each year, at the capital of the Kingdom, except when the King, on account of extraordinary circumstances, such as hostile invasion or contagious disease, shall designate some other city in the realm therefor. Timely notice of such designation shall, in such case, be published.

ARTICLE 69. The King may, on extraordinary occasions, convene the Storthing at other than the usual time. In such case the King shall issue a proclamation which shall be read in all the churches of the County seats at least fourteen days before the members of the Storthing shall assemble at the place prescribed.

ARTICLE 70. Such extra session may be adjourned by the King at his pleasure.

ARTICLE 71. The members of the Storthing shall serve as such for three successive years, as well at all extra as at all regular sessions that may in the meantime be held.

ARTICLE 72. If the Storthing be assembled in extra session at the time a regular Storthing convenes, the former shall adjourn before the latter assembles.

ARTICLE 73. The Storthing shall select from its members one-fourth who shall constitute the Lagthing; the remaining three-fourths shall constitute the Odelsting. This selection shall be made at the first regular Storthing which convenes after an election, and thereafter the Lagthing shall remain unchanged in all Storthings assembled after the same election, except in cases of vacancy, which shall be filled by special election. Each Thing shall hold its sessions separately, and select its own President and Secretary. Neither Thing shall be in session unless two-thirds of its members are present.

ARTICLE 74. As soon as the Storthing has organized, the King, or whoever he may appoint therefor, shall open its proceedings with a speech from the Throne, wherein he shall give information regarding the condition of the kingdom and the matters to which he especially desires to direct the attention of the Storthing. No deliberation shall take place in the presence of the King.

After the session of the Storthing has been opened, the Minister of State and the members of the Ministry shall be entitled to sit in the Storthing and in both branches thereof, and to participate in the proceedings, without the right to vote, in open session



on a footing of equality with the members, and in executive session only to the extent permitted by the Thing.

ARTICLE 75. The Storthing shall have power:

a) To enact and repeal laws; to levy taxes, imposts, duties, and other public assessments, but such levy shall not remain in force beyond the first day of July in the year in which the next regular Storthing convenes, unless expressly revived by the latter.

b) To borrow money on the credit of the Kingdom;

c) To regulate the currency of the Kingdom;

d) To appropriate the moneys necessary for the expenditures of the government;

e) To determine the amount which shall yearly be paid to the King for the maintenance of his royal household, and to settle the appanage of the royal family, which shall not, however, consist of landed estates;

f) To cause to be laid before it the Journal of the Ministry and all official reports and documents; provided, that the records of diplomatic affairs and military commands which are of a secret nature shall be submitted to a committee consisting of not more than nine members selected from the membership of the Odelsting, and they may also be submitted to the Odelsting if a member of said committee demands that this branch of the Storthing shall consider the same, or that suit be brought in the Court of Impeachment.

g) To cause to be communicated to it the Alliances and Treaties which the King, on behalf of the state, has entered into with foreign powers. Secret articles and treaties which, however, must not conflict with those that are published, shall be treated according to the rules laid down in this section, *litra f.*, concerning matters of a secret nature.

h) To summon any person to appear before it, in state affairs, except the King and royal family; but this exception shall not apply to royal princes holding public office;

i) To revise temporary salary and pension lists, and to make such changes therein as may be deemed necessary;

k) To appoint five auditors, who shall each year audit the accounts of the State and publish printed extracts of the same; and for this purpose the accounts shall be submitted to the auditors within six months from the expiration of the year for which the appropriations of the Storthing have been made;

l) To naturalize foreigners.

ARTICLE 76. Every bill shall first be introduced in the Odelssting, either by a member thereof or by the Ministry through one of its members. If the bill is there passed, it shall be sent to the Lagthing, which may concur in or reject it. In the latter case it shall be returned with objections appended, and the same



shall be considered by the Odelsting, which may either indefinitely postpone the bill or return it to the Lagthing with or without amendment. When a bill from the Odelsting has been twice presented to the Lagthing and has been returned a second time, rejected, the entire Storthing shall assemble in joint session and by a two-thirds vote dispose of the bill. At least three days must intervene between every such distinct consideration of the bill.

ARTICLE 77. When a measure, passed by the Odelsting, has been concurred in by the Lagthing or passed by the Storthing in joint session, it shall be sent to the King, with a request for his approval.

ARTICLE 78. If the King approve the measure, he shall affix his signature thereto, whereby it becomes a law. If he disapprove the same, he shall return it to the Odelsting with the statement that for the time being he does not find it expedient to approve the same, in which case the measure shall not be again submitted to the King at the same session of the Storthing.

ARTICLE 79. If a measure has been passed without amendment by three regular Storthings, convened after three separate and successive elections, and separated from each other by not less than two intervening regular Storthings, and no law in conflict therewith having in the meantime, from the first to the last passage, been passed by any Storthing, and the measure is then presented to the King with the request that his Majesty will not refuse his approval to a measure which the Storthing, after the most mature consideration, deem beneficial, it shall become a law notwithstanding the King fails to approve the same before the adjournment of the Storthing.

ARTICLE 80. The Storthing may remain in session as long as it deems necessary. When, after having finished its proceedings, it is adjourned by the King, he shall communicate to it his action upon the measures passed, (see § § 77-79) by approving or rejecting the same. All measures not expressly approved by him, shall be deemed rejected.

ARTICLE 81. All laws (except those passed pursuant to § 79) shall be promulgated in the name of the King, and under the Seal of the Kingdom of Norway, in the following words:

"We,—N. N.—make known that there has this day been presented to us an Act of the Storthing of the following tenor: (here follows the Act) which we have accepted and approved and hereby accept and approve, as law, under our hand and the seal of the State."

ARTICLE 82. Repealed July 7, 1913.

ARTICLE 83. The Storthing shall have the right to procure the opinion of the Supreme Court upon judicial subjects.

ARTICLE 84. The Storthing shall sit in open session, and its proceedings shall be printed and published, except in cases otherwise determined by a majority vote.

ARTICLE 85. Whoever shall obey a command, the purpose of which is to interfere with the freedom and safety of the Storthing, is guilty of treason against his country.

#### D. THE JUDICIAL POWER.

ARTICLE 86. The members of the Lagthing, together with the Supreme Court (but if the members of the Lagthing or of the Supreme court exceed in number respectively thirty-one and nine, then, by lot, thirty members of the Lagthing and its president, and eight members of the Supreme court and its presiding justice) shall constitute the Court of Impeachment, which shall try, without appeal, cases instituted by the Odelsting against members of the Ministry and members of the Supreme Court for malfeasance in office, and against members of the Storthing for offences committed by them in their official capacity. The President of the Lagthing shall preside in the Court of Impeachment.

ARTICLE 87. The accused may, without cause, challenge as many as one-third of the members of the Court of Impeachment, provided, however, that the court shall not consist of less than fifteen members.

ARTICLE 88. The Supreme Court shall be the tribunal of last resort, but limitation of admission of cases before the court may be made by law.

The Supreme Court shall consist of a presiding justice and at least six associate justices.

ARTICLE 89. In military cases the Supreme Court shall be augmented by two high military officers appointed by the King.

ARTICLE 90. The decisions of the Supreme Court shall in no case be appealed.

ARTICLE 91. No one shall be appointed a member of the Supreme Court before he is thirty years of age.

#### E. GENERAL PROVISIONS.

ARTICLE 92. Public offices shall be filled only by Norwegian citizens who speak the language of the country, and:

a) Who are born within the realm of parents who then were citizens of the country; or

b) Who are born in foreign countries of Norwegian parents, not citizens of another nation; or

- c) Who shall hereafter reside ten years within the realm; or
- d) Who shall be naturalized by the Storting.

Persons without these qualifications may however, be appointed instructors in the university and the higher schools, and consuls in foreign places.

No person shall be appointed a high magistrate before he is thirty years of age, nor an inferior judge, magistrate, or tax collector before he is twenty-five years of age.

Only persons who profess the established religion of the State can be members of the Ministry. Rules governing the public offices in this respect shall be prescribed by law.

To what extent women who possess the qualifications for holding public office required of men under this constitution may be appointed to such offices shall be prescribed by law.

ARTICLE 93. Repealed, November 18, 1905.

ARTICLE 94. Measures shall be taken to enact, at the next regular Storting, or if this is not possible, at the following one, a new general civil and criminal code. In the meantime the existing laws of the State shall remain in force so far as they are not in conflict with this Constitution or temporary ordinances meanwhile issued. Permanent taxes now existing shall continue as levied until the next Storting.

ARTICLE 95. No dispensations, writs of protection, or letters of respite or reparation, shall be granted after the new general code takes effect.

ARTICLE 96. No one shall be tried except pursuant to law, nor punished except pursuant to judgment. Examination by means of torture is prohibited.

ARTICLE 97. No law shall be given retroactive effect.

ARTICLE 98. Fees paid to officials of Courts of Justice shall not be subject to any state tax.

ARTICLE 99. No one shall be arrested except in cases and manner prescribed by law. Whoever causes an unauthorized arrest, or unlawful detention, shall be answerable therefor to the person confined. The government shall have no right to employ military force against the citizens otherwise than pursuant to law, except in the case of an assembly disturbing the public peace and not immediately dispersing after the civil magistrate has three times audibly read to them the articles in the public code relating to riot.

ARTICLE 100. The liberty of the press shall remain inviolate. No one shall be punished for any writing, printed or published, irrespective of its contents, unless he has intentionally and openly manifested or urged others to manifest, disobedience to the laws, contempt for religion, morality, and the constitutional authorities, or resistance to the commands of the same, or has made false and

defamatory charges against any person. Every person shall be permitted to express freely his opinion upon the administration of public affairs, or on any other subject whatsoever.

ARTICLE 101. New and permanent restrictions of industrial pursuits shall not be granted to anyone hereafter.

ARTICLE 102. Domiciliary visits shall not be permitted except in criminal cases.

ARTICLE 103. No sanctuary shall be allowed to persons who hereafter become bankrupt.

ARTICLE 104. Estates of inheritance, or distributive shares, shall in no case be subject to confiscation.

ARTICLE 105. If public necessity requires any person to relinquish his real or personal property for public use, he shall receive full compensation therefor from the State Treasury.

ARTICLE 106. The proceeds as well as the income of church estates shall be devoted exclusively to the benefit of the church and the promotion of education. The property of charitable institutions shall be devoted exclusively to their use.

ARTICLE 107. Allodial tenure and statutory entailment shall not be abolished; but the conditions under which—for the good of the state and the advantage of the people—the same shall continue, shall be prescribed by the next or the following Storthing.

ARTICLE 108. No Earldoms, Baronies, or entailed manorial estates, shall hereafter be established.

ARTICLE 109. Every citizen, without regard to birth or fortune, shall, without exception, render military service to his country for a certain time. The application of this rule and the limitations to be placed on it shall be regulated by law.

ARTICLE 110. The reserve fund of the State, amounting to forty million crowns, may be used exclusively for the prevention of danger to the Commonwealth, or for assistance in cases of widespread disaster in the country. The reserve fund shall be managed under rules prescribed by the Storthing.

ARTICLE 111. The form and colors of the Norwegian flag shall be prescribed by law.

ARTICLE 112. If experience demonstrates that any part of this Constitution of the Kingdom of Norway requires amendment, the proposition therefor shall be presented at the first or second regular Storthing, succeeding an election, and notice thereof shall be given by publication; but no action shall be taken thereon until the first or second regular Storthing succeeding the next election. Such amendment shall not contravene the principles of this Constitution, and shall only relate to such modifications in single provisions as will not change the spirit of this Constitution, and shall be concurred in by two-thirds of the Storthing.

An amendment to the Constitution so adopted shall be signed by the president and secretary of the Storting, and forwarded to the King for publication as part of the Constitution of the Kingdom of Norway.

GENERAL LOWZOW TALKS ON NORWAY AND PREPAREDNESS.

Christiania, Norway—General Lowzow, a former minister of defense, in a lecture given upon the defense of Norway, said: We are a small nation who have nothing to win by a war. The powers are doing what they can to draw more countries into the war, each on their own side, or, if they find it advantageous, to force the smaller states into the war on the side of the opponent. The neutral states have already felt the inconveniences of the war, though what we have hitherto seen is a trifle. When the big battle fleets commence their fight in the North sea, and not till then, will the danger be great for our country. Then we may be obliged to take sides.

After the first days of the crisis had passed, the people took it for granted that Norway would not intervene. The danger of war is just as great as before, and it depends on our preparing with might and man for all eventualities. Everything must now be done in order to improve our defense in the best possible way. (Christian Science Monitor).





### OTHER CONSTITUTIONS.

The University of Chicago press has published two large volumes entitled "Modern Constitutions," by Walter Fairleigh Dodd, which contain the full text of the Canadian, Mexican, Central and South American constitutions and most of the modern constitutions of Europe, except Portugal, and including that of Germany, Austria-Hungary, Switzerland, Japan, and Russia. It does not include the constitutions of Prussia, China, the Ottoman Empire, or the revised constitution of Norway, which are published in this work.

I would recommend the study of Professor Dodd's valuable collection, with very comprehensive historical and bibliographical notes. I also wish to call attention to the work of Prof. A. Lawrence Lowell, president of Harvard University, entitled "Governments and Parties in Continental Europe," in two volumes, and also his work on the English Government.

Frederick Austin Ogg, Ph. D., has published a work entitled "The Governments of Europe," Macmillan Company, New York, 1913. This gives a thorough account of many constitutions of European nations with extensive notes.

The constitution of Prussia which I have included in this work, is taken from a supplement to the *Annals of the American Academy of Political and Social Science*, vol. 5, Number 2, Sept., 1894, translated by James Harvey Robinson, Ph. D., University of Pennsylvania, a copy of which was sent me by the author. This supplement comprises also a sketch of the origin and nature of the Prussian constitution, with copious notes to the text.

### CHINA.

The latest constitutional government claiming recognition among the nations of the world is China, one of the oldest nations known to history, extending over an immense territory in Asia, with a population of some three hundred and fifty millions.

The following revised provisional constitution, which appears to me to be partly copied from the Japanese constitution, is entirely unsatisfactory, crude, and inadequate for practical application to China or any other country. It is not really republican in its structure. The best known constitution suitable to China

is that of Switzerland, with its federal council composed of seven carefully selected and competent men chosen by the advisory council for three years to act as counselors and direct the affairs of the executive department of the nation, with the co-operation of the president, also elected by the advisory council which is elected by the people. The president is elected for only one year and cannot succeed himself.

Each of these counselors will have charge of one of the departments of state. This method has worked well in Switzerland and the members of the federal council would give stability to the government and be more apt to gain the confidence of the people than one man given a large amount of power and occupying the position of a prince-president like Napoleon the Third.

The present constitution of China was mostly revised, dictated by Yuan Shi Kai, the late president, who has been succeeded by Li Yuan Hung, the former vice-president. Yuan Shi Kai was scheming to imitate Napoleon and restore the monarchical form of government in China. It is probable that a new constitution will now be drawn up and promulgated suited to the requirements of China.

#### CHINA'S DECLARATION OF INDEPENDENCE.

*(Address of the Republic Issued to the World Yesterday.)*

"On this eighth day of the fourth month in the second year of the republic of China, the date fixed for the first opening of our permanent national assembly, the members of the senate and the house of representatives, having met in these halls to celebrate the event, now make this declaration of their sentiments.

"The will of Heaven is manifested through the will of the people. That the hundreds of millions of the people possess the authority of the state is not proclaimed now for the first time. The monarchy, so long corrupt, proved unworthy of the grave responsibilities intrusted to it by the will of the people, but with the introduction of popular government the representatives of the people must share the likes and dislikes of the people. They are to give expression to the desires and voice the will of the people; they hold the reins in behalf of the nation to govern with severity or leniency, with parsimony or extravagance; they become the pivot upon which the prosperity of the state is made to turn. For the success or failure, safety or danger, adversity or good fortune, theirs is the merit or the blame.

"Can we be otherwise than anxious? Yet through great tribulation the spring comes to prosperity, and our bad management

and anxieties are a means to happiness. Now, therefore, we unite to form this assembly and presume to publish our aspirations. May ours be a just government. May our five races lay aside their prejudices. May rain and sunshine bring bounteous harvest and cause the husbandman to rejoice. May the scholar be happy in his home and the merchant conduct his trade in peace. May no duty of government be unfulfilled and no hidden wound go unredressed. Thus may the glory be spread abroad and these our words be echoed far and wide, that those in distant lands who hear may rejoice, our neighbors on every side give us praise, and may the new life of the old nation be lasting and unending. Who of us can dare to be neglectful of his duties?"

## CHAPTER II. THE PRESIDENT.

Art. 14. The President is the Head of the nation, and controls the power of the entire administration.

Art. 15. The President represents the Chung Hua Min Kuo.

Art. 17. The President convokes the Li Fa Yuan, declares the opening, the suspension and the closing of the sessions.

Art. 19. For the purposes of improving the public welfare or enforcing law or in accordance with the duties imposed upon him by law, the President may issue orders and cause orders to be issued, but he shall not alter the law by his order.

Art. 20. In order to maintain public peace or to prevent extraordinary calamities at a time of great emergency when time will not permit the convocation of the Li Fa Yuan, the President may, with the approval of the Tsan Cheng Yuan, issue provisional orders which shall have the force of law; but in that case he shall ask the Li Fa Yuan for indemnification at its next session.

Art. 21. The President shall fix the official systems and official regulations. The President shall appoint and dismiss military and civil officials.

Art. 22. The President shall declare war and conclude peace.

Art. 23. The President is the Commander in Chief of, and controls, the Army and Navy of the whole country. The President shall decide the system of organization and the respective strength of the Army and Navy.

Art. 27. The President may confer titles of nobility, decorations, and other insignia of honour:

Art. 28. The President may declare general amnesty, special pardon, commutation of punishment, or restoration of rights. In case of general amnesty the approval of the Li Fa Yuan must be secured.

## CHAPTER VI. THE JUDICIARY.

Art. 44. The judicial power shall be administered by the Judiciary formed by the judicial officials appointed by the President.

The organization of the Judiciary and the qualifications of the judicial officials shall be fixed by law.

Art. 47. The trial of law suits in the judicial courts should be open to the public; but when they are deemed to be harmful to peace and order or good custom, they may be held in camera.

## CHAPTER VIII. FINANCES.

Art. 50. Levying of new taxes and dues and change of tariff shall be decided by law.

The taxes and dues which are now in existence shall continue to be collected as of old except as changed by law.

Art. 53. To prepare for any deficiency of the budget and expenses needed outside of the estimates in the budget, a special reserve fund must be provided in the budget.

Art. 56. When a new Budget cannot be established, the Budget of the previous year will be used. The same procedure will be adopted when the Budget fails to pass at the time when the fiscal year has begun.

Art. 57. When the closed accounts of the receipts and expenditures of the nation have been audited by the House of Audit, they shall be submitted by the President to the Li Fa Yuan for approval.

Art. 58. The organization of the House of Audit shall be fixed by the Provisional Constitution Conference.

Art. 66. This Provisional Constitution may be amended at the request of two-thirds of the members of the Li Fa Yuan, or the proposal of the President, by a three-fourths majority of a quorum consisting of four-fifths or more of the whole membership of the House. The Provisional Constitution Conference will then be convoked by the President to undertake the amendment.

## JAPAN.

"Beginning in 1880 a vigorous political propaganda was conducted in favor of the establishment of a representative assembly; an imperial edict of October 12, 1881, announced that the first Imperial Diet would be convened in 1890. Between 1881 and 1889 important reforms were made in the organization of the



government. The constitution was promulgated on February 11, 1889, and at the same time were issued the Imperial House Law, the ordinance concerning the House of Peers, the Law of Houses, the election law for members of the House of Representatives, and the law of finance. The first Diet was formally opened on November 29, 1890."

EXTRACTS FROM THE CONSTITUTION OF JAPAN.

(February 11, 1889).

"This text has been adopted almost without change from the English translation issued from Tokyo 1889; the difficulty of obtaining revision makes it necessary to give this constitution in the untechnical language in which it appears."—WALTER FAIRLEIGH DODD.

CHAPTER I.

THE EMPEROR.

Article 1. The Empire of Japan shall be reigned over and governed by a line of emperors unbroken for ages eternal.

CHAPTER II.

RIGHTS AND DUTIES OF SUBJECTS.

Art. 18. The conditions necessary for being a Japanese subject shall be determined by law.

Art. 19. Japanese subjects may, according to qualifications determined in laws or ordinances, be appointed to civil or military offices equally, and may fill any other public offices.

CHAPTER III.

THE IMPERIAL DIET.

Art. 33. The Imperial Diet shall consist of two houses, a House of Peers and a House of Representatives.

Art. 34. The House of Peers shall, in accordance with the ordinance concerning the House of Peers, be composed of the

members of the imperial family of the order of nobility, and of those persons who have been nominated thereto by the emperor.

Art. 35. The House of Representatives shall be composed of members elected by the people according to the provisions of the election law.

Art. 36. No one shall at one and the same time be a member of both houses.

#### CHAPTER IV.

##### MINISTERS OF STATE AND THE PRIVY COUNCIL.

Art. 55. The respective ministers of state shall give their advice to the emperor and be responsible for it.

All laws, imperial ordinances and imperial rescripts of whatever kind, that relate to the affairs of state require the counter signature of the minister of state.

Art. 56. The Privy Council shall, in accordance with the provisions of the organization of the Privy Council, deliberate upon important matters of state when they have been consulted by the emperor.

#### CHAPTER V.

##### THE JUDICIAL POWER.

Art. 57. The judicial power shall be exercised by the courts of law according to law, in the name of the emperor.

##### IMPERIAL ORDINANCE CONCERNING THE HOUSE OF PEERS.

Article 1. The House of Peers shall be composed of the following members:

1. The members of the Imperial family;
2. Princes and Marquises, etc.;
3. Counts, viscounts, barons who have been elected thereto by the members of their respective orders;
4. Persons who have been specially nominated by the emperor on account meritorious services to the state or of erudition;
5. Persons who have been elected, one member each Fu (city) and Ken (prefecture), by and from among tax payers of the highest amount of direct taxes on land, industry, or trade therein, and who have afterwards been appointed thereto by the emperor.

## GERMAN GOVERNMENT.

The construction of the North German Bund, and the subsequent German Empire in its present shape, was the work of Bismarck more than any other man. Like the architect of a great, complicated edifice, he planned and directed how the empire should be built from foundation to dome.

By uniting the North German States, the first step was taken to place Prussia in control. Then, after the Franco-Prussian war, the formation of the German Empire, containing in all twenty-five states, completed the scheme of German unity.

By the selection of the King of Prussia, which state comprised three-fifths of the entire twenty-five states, as president, with the title of "the German Emperor," and the giving to him of the right to select the chancellor, one man won a degree of arbitrary power now almost impossible to control.

## REICHSTAG IS LIMITED.

The legislative body elected by the qualified voters of the entire nation is the reichstag, but this body is so hedged about with restrictions that it has very little real authority. It can be dissolved by the bundesrath. Its members receive no pay, which restricts them to those who are rich enough to pay their own expenses while in Berlin.

Bismarck had very little use for universal suffrage, and saw that elections were held on working days instead of Sundays, as in France. This kept the poorer people from voting.

The bundesrath is formed of members who are not elected by the people, but are delegates chosen by the different states or monarchies, controlled by the princes, dukes or owners of large estates, and form an imperial cabinet. This rule, however, does not apply to the three free cities, which elect their own delegates.

Prussia has twenty votes in the bundesrath, and three-fifths of the votes in the reichstag, and the King of Prussia controls these votes thru his autocratic power under the Prussian constitution. He also has supreme command of the army, and the contingents or troops of all the states are turned over to him.

## MONARCHIES IN MAJORITY.

The Empire of Germany is composed of twenty-five states. All of these, except the three free cities, are monarchies. "The ministers are nowhere responsible," says A. Lawrence Lowell, "to

the legislative body in the parliamentary sense, and hence the princes exercise, personally, a great deal of power. Thruout Germany, therefore, the monarchical principle retains its vigor, and while the representatives of the people have obtained a share in the direction of public affairs, in no state have they drawn the whole conduct of the government into their own hands."

Mecklenburg-Schwerin and Mecklenburg-Strelitz are little archaic monarchies that do not have even one representative body chosen by the people, but the legislative branch is controlled directly by the grand dukes thru the landtag and langschafft.

The government of the House cities is placed in the senate and the bürgerschaft. The executive power is vested in the senate, which consists in Hamburg of eighteen members chosen for life and paid. The senators are elected by the senate and the bürgerschaft, but members and the bürgerschaft are elected by direct popular vote and secret ballot. The House cities each send one representative to the bundesrath. There is no grand duke or prince to rule over either of the three cities.

#### ENGLISH SYSTEM BETTER.

The difference between the German Empire and the English government is that the former concentrates all real power in the hands of the emperor, who is also King of Prussia, the controlling state of the confederation and in the bundesrath, or herren house, composed of the sovereigns or their representatives in the several monarchical states composing the empire, and, as stated, delegates from the three free cities.

In England, however, the real power is in the house of commons, which is elected by the people thru universal suffrage, and the ministry is accountable to the house of commons and not to the king.

A change is necessary in the structure of the German nation as an entirety. The present organization is based on a monarchical system which is not adapted to the present advanced state of society in Germany and the competency of the German people.

Either the English constitutional method should be substituted, where the lower house should control and be elected by universal unrestricted suffrage, the chancellor being selected as in England and accountable to the reichstag and not to the emperor, or the Swiss constitution should be followed and each state elect delegates by universal unrestricted suffrage to the two houses, whose members should jointly choose the members of the federal council. This would do away with the entire monarchical system. Prussia should be divided into a number of states, so as not to have a preponderance of power in one state.

## THE CONSTITUTION OF PRUSSIA

OF THE THIRTY-FIRST OF JANUARY, 1850.

*From copy furnished by James Harvey Robinson, Ph. D.*

We, Frederick William, by grace of God, King of Prussia, etc., hereby declare and make known that, whereas the constitution of the Prussian State, promulgated by us on the fifth of December, 1848, subject to revision by the ordinary process of legislation, and accepted by both chambers of our kingdom, has been submitted to the prescribed revision, we have finally established the provisions of that constitution in agreement with both chambers.

We, therefore, promulgate the same as a fundamental law of the state, as follows:

### TITLE I.

#### THE TERRITORY OF THE STATE.

Article 1. All parts of the monarchy in its present extent form the territory of the Prussian State.

Art. 2. The boundaries of this territory can only be altered by law.

### TITLE II.

#### THE RIGHTS OF PRUSSIANS.

Art. 3. The constitution and the law determine under what conditions the quality and rights of a Prussian citizen may be acquired, exercised or forfeited.

Art. 4. All Prussians shall be equal before the law. Class privileges shall not be permitted. Public offices, subject to the conditions imposed by law, shall be uniformly open to all who are competent to hold them.

Art. 5. Personal freedom is guaranteed. The forms and conditions under which any limitation thereof, especially arrest, shall be permissible, shall be determined by law.

Art. 6. The domicile shall be inviolable. Intrusion and search therein, as well as the seizing of letters and papers, shall be allowed only in the manner and in the cases prescribed by law.



Art. 7. No one shall be deprived of his lawful judge. Exceptional tribunals and extraordinary commissions shall not be permitted.

Art. 8. Punishments shall not be prescribed or inflicted except according to law.

Art. 9. Property is inviolable. It shall only be taken or interfered with from considerations of public weal, and then only in a manner to be prescribed by law, and in return for a compensation to be previously determined. Even in urgent cases a preliminary valuation and compensation shall be made.

Art. 10. Civil death and confiscation of property, as punishment, shall not be permitted.

Art. 11. Freedom of emigration can only be limited by the state, with view to military service. Migration fees shall not be levied.

Art. 12. Freedom of religious confession, of association in religious societies (Art. 30 and 31), and of the common exercise of religion in private and public, is guaranteed. The enjoyment of civil and political rights shall not be dependent upon religious belief. But the exercise of religious liberty shall not be permitted to interfere with the civil or political duties of the citizen.

Art. 13. Religious and ecclesiastical associations, which have no corporate rights, can only acquire those rights by special laws.

Art. 14. The Christian religion shall be taken as the basis of those state institutions which are connected with the exercise of religion without prejudice to the religious liberty guaranteed by Article 12.

Art. 15, 16 and 18. [Repealed June 18, 1875.]

Art. 17. A special law shall be enacted relating to church patronage and to the conditions on which it may be abolished.

Art. 19. Civil marriage shall be introduced in accordance with a special law which shall also regulate the keeping of a civil register.

Art. 20. Science and its teachings shall be free.

Art. 21. The education of youth shall be adequately provided for by public schools. Parents and their representatives shall not leave their children or wards without that education prescribed in the public elementary schools (*Volksschulen*).

Art. 22. Every one shall be at liberty to give instruction, and establish institutions of learning, provided he shall have given proof, to the proper state authorities, of his moral, scientific and technical fitness.

Art. 23. All public and private educational institutions shall be under the supervision of authorities appointed by the state. Teachers in the public schools shall have the rights and duties of public officials.

Art. 24. In the establishment of public elementary schools, confessional differences shall be considered as far as possible.

Religious instruction in the elementary schools shall be superintended by the religious organizations concerned.

The charge of the external affairs of the elementary schools shall belong to the community (*Gemeinde*). With the statutory co-operation of the community in the manner and to the extent determined by law, the State shall appoint the teachers in the public elementary schools from the number of those qualified.

Art. 25. The means for establishing, maintaining and enlarging the public elementary schools shall be provided by the communities, which shall, however, be assisted by the State in proven cases of pecuniary inability on the part of the community. The obligations of third parties, based on special legal titles, shall not be impaired.

The State shall accordingly guarantee to teachers in the elementary schools a steady income suitable to local circumstances.

In public elementary schools education shall be imparted free of charge.

Art. 26. A special law shall regulate all matters of education.

Art. 27. Every Prussian shall be entitled to express his opinion freely by word, writing, print, or pictorial representation.

Censorship of the press may not be introduced; and no other restriction on the freedom of the press shall be imposed except by law.

Art. 28. Offenses committed by word, writing, print, or pictorial representation shall be punished in accordance with the general penal code.

Art. 29. All Prussians shall be entitled to meet in closed rooms, peacefully and unarmed, without previous permission from the authorities.

But this provision does not apply to open-air meetings, which shall be subject to whatever restrictions the law may prescribe even with respect to previous permission from the authorities.

Art. 30. All Prussians shall have the right to form associations for such purposes as do not contravene the penal laws.

The law shall regulate with special regard to insuring the public security, the exercise of the right guaranteed by this and the preceding article (29).

Political associations may be subjected by law to restrictions and temporary prohibitions.

Art. 31. The law shall determine the conditions on which corporate rights may be granted or refused.

Art. 32. The right of petition shall belong to all Prussians. Petitions under a collective name shall be permitted only to public authorities and corporations.

Art. 33. The privacy of the mails shall be inviolable. The necessary restrictions of this right, in cases of war and of criminal investigation, shall be determined by law.

Art. 34. All Prussians are bound to military service. The extent and character of this duty shall be determined by law.

Art. 35. The army shall include all divisions of the standing army and the militia (*Landwehr*). In the event of war, the king can call out the reserve militia (*Landsturm*) in accordance with the law.

Art. 36. The military power can only be employed for the suppression of internal troubles, and the execution of the laws, in the cases and manner specified by statute, and on the requisition of the civil authorities. In the latter respect exceptions may be made by law.

Art. 37. The court-martial of the army shall be restricted to penal matters, and shall be regulated by law. Provisions with regard to military discipline shall remain the subject of special ordinances.

Art. 38. The military forces shall not deliberate whether in active service or not; nor shall they otherwise assemble than when commanded to do so. Thus assemblies and meetings of the militia (*Landwehr*) for the purpose of discussing military arrangements, commands and ordinances, are forbidden, even when they are not in active service.

Art. 39. The provisions of Arts. 5, 6, 29, 30 and 32 shall apply to the army only in so far as they do not conflict with military laws and rules of discipline.

Art. 40. [As amended by the law of June 5, 1852.]

Art. 2. The establishment of feudal tenures is forbidden.

The feudal bond (*Lehnverband*) still existing with respect to surviving fiefs shall be dissolved by law.

Art. 41. [As amended by the law of June 5, 1852.]

Art. 3. The provisions of Art. 2 do not apply to crown fiefs or to fiefs situated in other countries.

Art. 42. [As amended April 14, 1856.]

In accordance with special laws already passed the following are abolished without compensation:

1. The right to exercise or delegate judicial power, connected with the possession of certain lands, together with the fees and exemptions accruing from this right.

2. The obligations arising from manorial or patriarchial jurisdiction, from serfage, and from former tax and industrial organization. (*Steuer- und Gewerbe-Verfassung*.)

With these rights are also abolished the counter-services and burdens devolving upon those enjoying these rights.

## TITLE III.

## THE KING.

Art. 43. The person of the king shall be inviolable.

Art. 44. The king's ministers shall be responsible. All official acts of the king shall require for their validity the counter-signature of a minister, who shall thereby assume responsibility for them.

Art. 45. The executive power shall belong to the king alone. He shall appoint and dismiss the ministers. He shall order the promulgation of the laws and issue the necessary ordinances for their execution.

Art. 46. The king shall be commander-in-chief of the army.

Art. 47. The king shall fill all posts in the army, as well as in other branches of the public service, in so far as it is not otherwise ordained by law.

Art. 48. The king shall have power to declare war and make peace, and to conclude other treaties with foreign governments. The latter require for their validity the assent of the chambers in so far as they are commercial treaties, or impose burdens on the State, or obligations on the individual subjects.

Art. 49. The king shall have power to pardon, and to mitigate punishment.

But in favor of a minister condemned for his official acts, this right can only be exercised on the motion of that chamber whence his impeachment emanated.

Only in virtue of a special law can the king suppress inquiries already instituted.

Art. 50. The king may confer orders and other distinctions, so far as they do not carry privileges with them.

He shall exercise the right of coinage in accordance with the law.

Art. 51. The king shall convoke the chambers, and close their sessions. He may dissolve the two chambers together or either one. In such a case, however, the electors shall be assembled within a period of sixty days, and the chambers summoned within a period of ninety days respectively after the dissolution.

Art. 52. The king shall have power to adjourn the chambers. But without their assent this adjournment may not exceed the space of thirty days, nor be repeated during the same session.

Art. 53. The crown is, in accordance with the laws of the royal family, hereditary in the male line of that house following the law of primogeniture and agnatic succession.

Art. 54. The king shall attain his majority on completing his eighteenth year.

In presence of the united chambers he shall take the oath to observe the constitution of the monarchy steadfastly and inviolably, and to rule in accordance with it and the laws.

Art. 55. Without the consent of both chambers the king cannot also be ruler of foreign realms.

Art. 56. If the king is a minor, or is otherwise permanently prevented from ruling himself, the regency shall be undertaken by that agnate (Art. 53), who has attained his majority and stands next in succession to the crown. He shall immediately convoke the chambers, which, in united session, shall decide as to the necessity of the regency.

Art. 57. If there be no agnate of age, and if no legal provision has previously been made for such a contingency, the Ministry of State shall convoke the chambers, which shall then elect a regent in joint session. And until the assumption of the regency by him, the Ministry of State shall conduct the government.

Art. 58. The regent shall exercise the powers vested in the king in the name of the latter. After the establishment of the regency, he shall take the oath before the chambers in joint session to observe the constitution of the monarchy steadfastly and inviolably, and to rule in accordance with it and the laws.

Until this oath is taken, the whole Ministry of State for the time being shall remain responsible for all acts of the government.

Art. 59. The annuity drawn from the income of the forests and domains and set apart by the law of January 17, 1820, shall remain attached to the entailed fund of the crown.

#### TITLE IV.

##### THE MINISTERS.

Art. 60. The ministers, as well as the State officials appointed to represent them, shall have access to each chamber, and must at all times be heard upon their own request.

Each chamber can demand the presence of the ministers.

The ministers shall be entitled to vote in one or other of the chambers only when members of it.

Art. 61. On the resolution of one chamber the ministers may be impeached for the crime of violating the constitution, for bribery and for treason. The decision of such cases shall lie with the supreme tribunal of the monarchy sitting as one body. As long as two Supreme Courts exist, they shall be united for the above purpose.



Further details as to matters of responsibility, procedure and punishment, are hereby reserved for a special law.

## TITLE V.

### THE CHAMBERS.

Art. 62. The legislative power shall be exercised in common by the king and the two chambers.

Every law shall require the assent of the king and of the two chambers.

Money bills and the budgets shall first be laid before the second chamber; the budgets shall either be accepted or rejected as a whole by the first chamber.

Art. 63. In the event only of its being urgently necessary to maintain public security, or deal with an unusual state of distress when the chambers are not in session, ordinances, which do not contravene the constitution, may be issued with the force of the law, on the responsibility of the whole ministry. But these must be immediately laid before the chambers for approval at their next meeting.

Art. 64. The king, as well as each chamber, shall have the right of proposing laws. Bills that have been rejected by one of the chambers, or by the king, cannot be re-introduced during the same session.

Arts. 65-69. [As amended May 7, 1853.] The first chamber shall be formed by royal ordinance (*Anordnung*) which can only be altered by a law to be issued with the approval of the chambers.

The first chamber shall be composed of members appointed by the king, with the right of hereditary transmission, or only for life.

Art. 69. [As amended April 30, 1851; May 17, 1867, and June 23, 1876.] The second chamber shall consist of four hundred and thirty-three members.

The electoral districts shall be determined by law. They shall consist of one or more circles (*Kreisen*), or of one or more of the larger towns.

Art. 70. Every Prussian who has completed his twenty-fifth year, and is qualified to take part in the elections of the commune where he is domiciled, is entitled to act as a primary voter (*Urwähler*).

One entitled to take part in the election of different communes, can only exercise his right as primary voter in one commune.

Art. 71. For every 250 souls of the population, one elector

(*Wahlmann*) shall be chosen. The primary voters shall be divided into three classes in proportion to the amount of direct taxes they pay, and in such a manner as that each class shall represent a third of the sum total of the taxes paid by the primary voters.

This sum total shall be reckoned:

(a) By communes, in case the commune forms of itself a primary electoral district.

(b) By districts (*Bezirke*), in case the primary electoral district consists of several communes.

The first class shall consist of those primary voters, highest in the scale of taxation, who, taken together, pay a third of the total.

The second class shall consist of those primary voters, next highest in the scale, whose taxes form a second third of the whole.

The third class shall be made up of the remaining taxpayers (lowest in the scale) who contribute the other third of the whole.

Each class shall vote apart, and shall choose each a third of the electors.

These classes may be divided into several voting sections, none of which, however, must include more than 500 primary voters.

The electors shall be chosen by each class from the number of the primary voters in their district, without regard to the classes.

Art. 72. The deputies shall be chosen by the electors.

Further details relating to the elections shall be determined by an electoral law, which shall also make the necessary provision for those cities where flour and meat duties are levied instead of direct taxes.

Art. 73. [As amended May 22, 1888.] The legislative period of the second chamber shall be five years.

Art. 74. [As amended March 27, 1872.] Every Prussian is eligible as deputy to the second chamber who has completed his thirtieth year, who has not forfeited his civil rights in consequence of a valid judicial sentence, and who has been a Prussian subject for three years.

The president and members of the supreme chamber of accounts cannot sit in either house of the diet (*Landtag*).

Art. 75. After the lapse of a legislative period the chambers shall be elected anew, and the same in the event of dissolution. In both cases previous members are re-eligible.

Art. 76. [As amended May 18, 1857.] Both houses of the diet of the kingdom shall be regularly convened by the king in the period from the beginning of November in each year till the middle of the following January, and otherwise as often as circumstances may require.

Art. 77. The chambers shall be opened and closed by the king in person, or by a minister appointed by him for this purpose in a joint session of the chambers.

Both chambers shall be simultaneously convened, opened, adjourned and closed. If one chamber shall be dissolved, the other shall be at the same time prorogued.

Art. 78. Each chamber shall examine the credentials of its members and decide thereupon. It shall regulate its own order of business and discipline by its rule of order, and elect its president, vice-presidents and secretaries.

Members of the public service shall require no special permit (*Urlaub*) in order to enter the chamber.

If a member of the chamber shall accept a salaried office of the State, or is promoted in the service of the State to a post involving higher rank or increase of salary, he shall lose his seat and vote in the chamber, and can only recover his seat in it by re-election.

No one can be a member of both chambers.

Art. 79. The sittings of both chambers shall be public. On the motion of its president, or of ten members, each chamber may meet in private session at which the first motion taken up shall be the question of continuing the secrecy of the session.

Art. 80. [As amended May 30, 1855.] The chamber of deputies cannot take action unless there is a majority of the legal number of its members present. Each chamber shall take action by absolute majority of votes, subject to any exceptions that may be determined by the rules of order for elections.

The house of lords shall not taken action unless at least sixty members of the house holding seats and voting in accordance with the provisions of the ordinance of October 12, 1854, shall be present.

Art. 81. Each chamber shall have the separate right of presenting addresses to the king.

No one may in person present to the chambers, or to one of them a petition or address.

Each chamber can transmit to the ministers the communications made to it, and demand information of them in regard to any grievances thus presented.

Art. 82. Each chamber shall be entitled to appoint for its own information commissions of inquiry into facts.

Art. 83. The members of both chambers are representatives of the whole people. They shall vote according to their own convictions, and shall not be bound by commissions or instructions.

Art. 84. For their votes in the chamber they can never be called to account, and for the opinion they express therein they

can only be called to account within the chamber itself, in virtue of the rules of order.

No member of either chamber can, without its assent, be had up for examination, or be arrested during the parliamentary session for any penal offense, unless he be taken in the act, or in the course of the following day.

Assent shall alike be necessary in the case of arrest for debt.

All criminal proceedings against a member of the chamber, and all arrests for preliminary examination or civil arrest, shall be suspended during the parliamentary session on demand from the chamber concerned.

Art. 85. The members of the second chamber shall receive out of the State treasury traveling expenses and a salary to be fixed by law. Renunciation thereof shall be inadmissible.

## TITLE VI.

### THE JUDICIAL POWER.

Art. 86. The judicial power shall be exercised in the name of the king, by independent tribunals subject to no other authority than that of the law.

Judgments shall be issued and executed in the name of the king.

Art. 87. The judges shall be appointed for life by the king, or in his name.

They can only be removed or temporarily suspended from office by judicial sentence, and for reasons previously prescribed by law. Temporary suspension from office, so far as it does not occur in consequence of a law, and involuntary transfer from one position to another, or to the superannuated list, can occur only from the causes and in accordance with the forms prescribed by law, and only in virtue of a judicial sentence.

But these provisions do not apply to cases of transfer rendered necessary by changes in the organization of the courts or of their districts.

Art. 87 [added February 19, 1879.] In the formation of courts common to the territory of Prussia and to that of other Federal States, deviations from the provisions of Article 86, and of the first clause of Article 87, are permissible.

Art. 88. [Abrogated April 30, 1856.]

Art. 89. The organization of the tribunals shall be determined by law.

Art. 90. To the judicial office only those shall be appointed who have qualified themselves for it as prescribed by law.

Art. 91. Courts for special classes of cases, and, in particular, tribunals for trade and industry, shall be established by statute in those places where local needs may require them.

The organization and jurisdiction of such courts, as well as their procedure and the appointment of their members, the special status of the latter, and the duration of their office, shall be determined by law.

Art. 92. In Prussia there shall be only one supreme tribunal.

Art. 93. The proceedings of the civil and criminal courts shall be public, but the public may be excluded by a publicly announced resolution of the court, when order or good morals may seem endangered (by their admittance).

In other cases publicity of proceedings can only be limited by law.

Art. 94. [As amended May 21, 1852.] In criminal cases the guilt of the accused shall be determined by jurymen, in so far as exceptions are not introduced by a law issued with the previous assent of the chambers. The formation of the jury-court shall be regulated by a law.

Art. 95. [As amended May 21, 1852.] By a law issued with the previous assent of the chambers, there may be established a special court, the jurisdiction whereof shall include the crimes of high treason, as well as those crimes against the internal and external security of the State, which may be assigned to it by law.

Art. 96. The jurisdiction of the courts and of the administrative authorities shall be determined by law. Conflicts of authority between the courts and the administrative authorities shall be settled by a tribunal indicated by law.

Art. 97. A law shall determine the conditions on which public officials, civil and military, may be prosecuted, for wrongs committed by them in exceeding their functions. But the previous assent of superior officials shall not be required as a condition of bringing suit.

## TITLE VII.

### PUBLIC OFFICIALS NOT BELONGING TO THE JUDICIAL CLASS.

Art. 98. The special legal status (*Rechtsverhältnisse*) of public officials, including advocates and solicitors (*Staatsanwälte*) not belonging to the judicial class shall be determined by a law which, without unduly restricting the government in the choice of its executive agents, shall secure to civil servants proper protection against arbitrary dismissal from their posts or deprivation of their pay.



## TITLE VIII.

## THE FINANCES.

Art. 99. All income and expenditures of the State shall be estimated in advance for every year, and be incorporated in the budget.

The latter shall be annually fixed by a law.

Art. 100. Taxes and contributions to the public treasury shall be collected only in so far as they shall have been included in the budget, or authorized by special laws.

Art. 101. In the matter of taxes there shall be no privileges.

Existing tax-laws shall be subjected to a revision, and all such privileges abolished.

Art. 102. State and communal officers can levy fees only when authorized by law.

Art. 103. The contracting of loans for the State treasury can only be effected in virtue of a law; and the same holds good of guarantees involving a burden to the State.

Art. 104. Any violation of the provisions of the budget shall require subsequent approval by the chambers.

The accounts relating to the budget shall be examined and audited by the supreme chamber of accounts. The general budget accounts of every year, including the tabular view of the national debt shall, with the comments of the supreme chamber of accounts, be laid before the chambers for the purpose of discharging the government of responsibility.

A special law shall regulate the establishment and functions of the supreme chamber of accounts.

## TITLE IX.

## THE COMMUNES, CIRCUITS, DISTRICTS, AND PROVINCIAL BODIES.

Art. 105. [As amended May 24, 1853.] The representation and administration of the communes, circuits and provinces of the Prussian State, shall be determined by special laws.

## GENERAL PROVISIONS.

Art. 106. Laws and ordinances shall be binding when published in the form prescribed by law.

The examination of the validity of properly promulgated royal ordinances shall not be within the competence of the government authorities (*Behörde*) but of the chambers solely.

Art. 107. The constitution may be amended by the ordinary

method of legislation, and such amendment shall merely require the usual absolute majority in each chamber on two divisions, between which there must elapse a period of at least twenty-one days.

Art. 108. The members of both chambers, and State officials, shall take the oath of fealty and obedience to the king, and shall swear conscientiously to observe the constitution.

The army shall not take the oath to observe the constitution.

Art. 109. Existing taxes and dues shall continue to be raised; and all provisions of existing statute-books, single laws and ordinances, which do not contravene the present constitution, shall remain in force until altered by law.

Art. 110. All administrative authorities holding appointments in virtue of existing laws shall continue their activity until the issue of organic laws affecting them.

Art. 111. In the event of war or revolution, and pressing danger to public security therefrom ensuing, Articles 5, 6, 7, 27, 28, 29, 30 and 36 of the constitution may be suspended for a certain time and in certain districts. The details shall be determined by law.

#### TEMPORARY PROVISIONS.

Art. 112. Until the issue of the law contemplated in Article 26, educational matters shall be governed by the laws at present in force.

Art. 113. Prior to the revision of the criminal law, a special law will deal with offences committed by word, writing, print or pictorial representation.

Art. 114. [Repealed April 14, 1856.]

Art. 115. Until the issue of the electoral law contemplated in Article 72, the ordinance of the thirtieth of May, 1849, touching the election of deputies to the second chamber, shall remain in force.

Art. 116. The two supreme tribunals now existing shall be combined into one. The organization shall be prescribed by a special law.

Art. 117. The claims of State officials who received a permanent appointment before the promulgation of the constitution shall receive special consideration in the new laws regulating the civil service.

Art. 118. Should changes in the present constitution be rendered necessary by the German Federal constitution to be drawn up on the basis of the draft of twenty-sixth of May, 1849, such alterations shall be decreed by the king; and the ordinances to this effect laid before the chambers, at their first meeting.

The chambers shall then decide whether the changes thus provisionally made harmonize with the Federal constitution of Germany.

Art. 119. The royal oath mentioned in Article 54, as well as the oath prescribed to be taken by both chambers and all State officials, shall be taken immediately after the legislative revision of the present constitution (Articles 62 and 108) shall have been completed.

*In witness whereof* we have hereunto set our signature and royal seal. Given at Charlottenburg, the thirty-first of January, 1850.

[L.S.]

FRIEDRICH WILHELM.

Graf v. Brandenburg, v. Landenberg, v. Manteuffel,  
v. Strotha, v. d. Heydt, v. Rabe, Simons, v. Schleinitz.

## REGENCY OF PRINCE WILLIAM OF PRUSSIA,

1858.

In the summer of 1858, I went to Germany and visited my uncle, Königliche Geheime Medicinal- und Regierungs-Rath Dr. August Leopold Ulrich, who resided in Coblenz. His title indicates that was a secret counselor of the king. This happened to be the psychological period in Prussian history, when the first step occurred which culminated in the final elevation of William the First to the position of Emperor of the great German Empire. My uncle's residence was on the principal street running to the Schloss (castle) where the Regent, then Prince William, lived when in Coblenz, and my uncle often called upon His Highness on private business, I suppose, as he left me in the hall during one of these interviews, when I accompanied him to the Schloss.

By royal decree of October 23d, 1857, as stated by Bismarck in his memoirs, "Prince William of Prussia was charged to act for King William Frederic IV, for the next three months, and this was renewed three times for three months each, but not being again extended, it lapsed in October, 1858." In the summer of 1858 a strong effort was made to induce the Queen to obtain the King's signature to a letter to his brother, saying, that he felt himself sufficiently recovered to undertake the government, and he thanked the Prince for having represented him. The government would then, under control of the royal signature, be carried on through Her Majesty the Queen, by those gentlemen of the court, who might be called upon, or might offer to undertake it. Bismarck objected to this, and notified Prince William, who said, "Then I take my departure." Bismarck how-

ever objected and summoned the minister Manteuffel, who assisted him and wrote finally from Berlin, October 12, 1858, stating that: "From all these considerations the King gives orders to the next heir to the throne, to do what is laid down in the Constitution of the country, to meet such a case. The directions of the Constitution, which, precisely on this point, had been drawn up in the interests of the monarchy, will then be brought into operation, and the vote of the Diet, which, though superfluous after the King's declaration, is nevertheless a good ground prescribed in the Constitution, will be obtained.

Prince William of Prussia undertook the Regency October 26, 1858. Manteuffel was dismissed November 6 and Prince von Hohenzollern succeeded him.

In 1862 William, who had become king through the death of his brother in 1861, appointed Bismarck President of the Council, who had stood by Prince William, when first initiated into public affairs, and was destined to create for his august master a great empire and a world power. It was his plan to eliminate Austria and establish a federal union with Prussia as a central head, instead of Austria. Napoleon III interfered with this plan, and he was limited to the states north of the River Main. Prussia annexed Hanover, Hesse, Nassau and Frankfort, besides Schleswig-Holstein, and these with the other states, north of the river Main, comprised the North German Confederation of which the Prussian king was chosen to be President.

#### THE FRANCO-PRUSSIAN WAR.

The Ems Telegraph states: "On July 2, 1870, the Spanish ministry decided in favor of the accession to that throne of Leopold, hereditary prince of Hohenzollern." This gave the first stimulus in the field of international law, to the subsequent military question, but still only in the form of a specifically Spanish matter. It was hard to find in the law of nations, a pretext for France to interfere with the freedom of Spain to choose a king. After the people of Paris had made up their minds to war with Prussia, this was sought for, artificially, in the name of Hohenzollern, which, in itself, had nothing more menacing to France than any other German name.

Bismarck states that: "The first demands of France respecting the candidature for the Spanish throne, and which were unjustifiable, had been presented on July 4th and answered by our foreign office evasively, though in accordance with the truth, that the ministry knew nothing about the matter, as His Majesty the King had treated it as a purely family matter. In France, however, a *casus belli* was being sought against Prussia.

July 6, Gramont declared in the Corps Legislatif that: "We do not believe that respect for the rights of the neighboring people, binds us to suffer a foreign power to set one of its princes on the throne of Charles V. . . . This event will not come to pass, of that we are quite certain. . . . Should it prove otherwise, we shall know how to fulfil our duty without shrinking, and without weakness."

This utterance, Bismarck says, was itself an official international threat with the hand on the sword hilt.

The interview of Benedetti with the king at Ems is well known. An attitude taken by Bismarck, von Moltke, and Roon, as well as the entire German nation, which finally culminated in war.

"His Majesty the King, thereupon, decided not to receive the French Ambassador again, and sent to tell him through the aide-de-camp on duty, that his Majesty had nothing further to communicate to the ambassadors."

This war was practically precipitated by Emperor Napoleon III and ended by surrender to Germany and the overthrow of Napoleon. (See reference to Ems dispatch in Bismarck's Memoirs.)

#### PRIVATE LETTER FROM PRUSSIA.

The following is an extract from a letter received by Bartow A. Ulrich, of this city, from his cousin at Berlin, the wife of General Von Stosch, of the Prussian army. It was written at the time the news of Napoleon's surrender reached Berlin:

BERLIN, September 3, 1870.

*Respected Cousin:*

I thank you as a cousin and patriot for your kind letter. King William telegraphed today that Napoleon had surrendered to him in person. This was, brought on by his arrogance, is, therefore, virtually at an end, for as McMahon has capitulated and surrendered his army as prisoners of war, Marshal Bazaine, who is now in Metz, must do the same, as he cannot expect other help, and Paris will be unable to struggle alone.

Napoleon, as I understand, has preferred to surrender himself as a prisoner of war to our chivalrous King William and preserve his life, and, if possible, the Napoleonic dynasty, rather than remain in his own land. It is really a terrible humiliation for the haughty French nation to see itself so completely conquered by despised Germany—to have won scarcely a single battle, and to have shown her own pitiful condition to the eyes of the world. Our forefathers—if they are permitted to retain an interest in the other world in the affairs of this—would be pleased if they



could see that the descendants of the French were compelled to pay the debt that France owes to the "Fatherland" for the humiliation and trouble brought upon it in the past.

My father's (your uncle Ulrich) greatest wish was to see Strasbourg a German city again. His children have done their utmost to bring about the accomplishment of this desire. My husband, son and brother, and a large portion of the younger relatives of my mother, are in the field. The youngest brother of my husband, at the head of his regiment, was severely wounded, and has now died of his wounds. A nephew of mine, and a younger cousin of his, have also fallen in battle. So our family, like many others, has given some of the dearest to save the "Fatherland," to punish our hereditary foe, and to secure ourselves from him in the future.

It is a pleasing sign of the times that all the Germans everywhere, if ever so far from their old home and ever so long, absent, extend the warmest sympathy and a helping hand to us. Germany, united as it is now, has never shown so strong a determination to punish foreign overbearance. Our best and dearest have willingly sacrificed their lives and shed their blood. Many severe losses have been sustained by the highest and wealthiest of our families, as well as the lowest and poorest; still, no one wishes to stay at home as long as the decimated ranks require to be refilled.

It is to be hoped that the event of the 2d of September will stop further bloodshed, and that diplomatic negotiations will result in such a manner that our efforts and losses will not have been in vain—such as all Germany desires, and as King William and Bismarck will endeavor to accomplish.

#### MEETING OF BISMARCK AND FAVRE.

#### SIGNING PRELIMINARY ARTICLES OF PEACE AT VERSAILLES.

In January, 1871, the Prussians had besieged Paris. January 5th, the French forces under Gambetta were badly defeated and all hope was lost. Two days later, Jules Favre saw Bismarck, the iron chancellor, at Versailles, and sued for peace. Forty thousand Parisians had already succumbed to the siege and there were only two weeks' provisions within the city walls. The treaty was subsequently signed at Frankfort, May 10th. France was compelled to cede Alsace, Lorraine, Metz and Strassburg, and to pay in indemnity of 1,000,000,000 *thalers*, a sum which was said never could be paid, but which was settled long before the time it was due.

The following is a translation of a letter written by Admiral Von Stosch to his wife, Rosa Von Stosch, born Ulrich, giving an account of the meeting of Bismarck, Thiers and Favre. The letter is taken from the life of Admiral and General Von Stosch, published by his son, Ulrich Von Stosch:

VERSAILLES 26, 2, 1871.

"The preliminary articles of peace were signed today at a late hour. Yesterday I had the opportunity, which was of great interest, of being present at the discussion between Bismarck and Thiers and Favre; he was alone, and wanted me present, so as to have someone posted in military questions, to refer to. He had investigated the matter thoroughly. At the beginning he went out; Thiers then opened a window. Just to say something, I remarked, 'It is very warm.' Thiers said, 'especially, when one is treated as we are.' The two Frenchmen became very excited, and made long speeches over each remark and proposition. Finally Bismarck said, 'This will not do; at this rate we will never get ahead. I must ask you to answer in definite counter propositions.'

"Thiers: 'But they must be proven.'

"Bismarck: 'No, you must entrust that to me, so that I may understand the facts myself. At all events I must beg you to have more control over your language, and keep your offensive remarks within bounds. You are supreme in France and your power now is unlimited. I, on the contrary, am bound by my instructions, and it becomes you to be milder. I am bound to follow the demands of my superiors. You know that we must begin to shoot Monday if we have not finished then. You must thoroughly understand this. Today we are discussing the question, and have spent seven hours already, which does not agree with my health.'

"The Frenchmen were very much chagrined at this 'philippic' and Thiers cried time and again, 'Fie, my Count!' 'Fie, my Count!' Finally they said they could go no farther and rode home. Today they are again here and have, as I am informed, concluded to sign the Preliminary Articles of Peace.

"The poor men cannot arrive at any conclusion, as Bismarck is continually putting more stipulations in the preliminary treaty. He wants to be entirely free from the Frenchmen before others have an opportunity to interfere, and he will succeed. These long discussions require an enormous amount of strength, and he will make himself ill; it is certain, however, that he will succeed in the end. I hope to be through with my duties at the headquarters of the king, and return home with him in the beginning

of March. How will the work of the ministry suit? Today the waters are playing in honor of the King of Württemberg."

### THE GERMAN EMPIRE.

1870.

The German Empire of today might truly be called the United States of Germany. The security of the different states and cities of Germany depends upon their union under one government, and for this reason a Confederation was formed and the King of Prussia, the strongest state in Germany, created president with the title of "German Emperor," after the Franco-Prussian War. Through the wise administration of William I., aided by the great chancellor, Bismarck, and von Moltke, and other great generals,—and later through the efforts of William II., united Germany has become one of the foremost nations of the world.

It is stated by Burt Estes Howard, Ph.D., in his book entitled, "The German Empire," that: "The study of the German Empire, from a juristic standpoint, begins with the founding of the North German *Bund*. If, with the formal dissolution of the Holy Roman Empire in 1806, one period of the constitutional history of Germany ended, the disruption of the German Confederation, in 1866, brought another period of that history to a no less definite termination. The break between the North German *Bund* and the German Confederation legally is no less sharp than that between the German Confederation and the old Empire."

"The legal continuity between the North German *Bund* and the present Empire, however, is complete. The modern German state is not something different juristically from the North German *Bund*. It is rather an expansion of it. The imperial constitution is the federal constitution revised."

"The founding of the North German *Bund*, and of the German Empire, appears not as an act of the German people, but as an act of the German *States*, existent in 1867 and 1870. All the acts leading up to the erection of the Federal States were acts of the *States* as personalities. In entering the *Bund* they gave up their sovereignty, it is true, but not their existence as *States*. This legal individuality continued and became the foundation of the joint personality of the Federal State."

"The sovereign power lies with the Empire and comes to expression, not in the Kaiser, who is in no sense the "monarch" of Germany, but in the 'totality of the allied governments' regarded as a single personality—in other words, in the *Bundesrat*."

"In the German Empire we have a strongly unitarian power to legislate, formed by a strongly federal power to execute."

In Volume I of A. Lawrence Lowell's book entitled, "Govern-

ment and Parties in Continental Europe," he says, after stating the privileges of the different states, that: "It is evident that the German Empire is very far from being a federal union of the kind with which we are familiar. It is rather a continuation of the old Germanic Confederation with the center of gravity shifted from the states to the central government, and the preponderating power placed in the hands of Prussia—the other large states retaining privileges roughly in proportion to their size." In a note he adds, "I do not mean to touch the philosophical question whether the sovereignty has or has not been transferred to the Empire." (Page 251, Vol. 1.)

The present United States of Germany, after the Franco-Prussian War, declared its present Constitution, as revised, on the 18th of January 1871, including in the Empire, the South German States, which were not a part of the North German *Bund*, making in all twenty-five States, twenty-two of which are monarchical in their organization, while three are republican City-States. King William I., King of Prussia, was chosen president, with the title of "The German Emperor."

On the 16th of April 1871, William I. issued a proclamation by and with the consent of the Council of the German Confederation and Imperial Diet, decreeing the adoption of a Constitution for the Empire. Under the Constitution all the sovereign and independent states were united, each state retaining its own legislature and the control of its local affairs.

"An eternal union was formed," it declares, "for the protection of the realm and the care and welfare of the German people."

The United States is a republic and Germany a monarchy. These systems of Government are antagonistic. The German rulers do not believe in a republican system of Government, and all provinces conquered by Germany would be put under control of a strong military imperial Government. Russia, Germany and Austria at one time entered into an alliance called the Holy alliance, the object of which was to stop the progress of Republicanism in Europe and America. This was one of the reasons that the Monroe Doctrine was made an American principle, as heretofore fully explained, laying down the rule that no foreign imperial government should get a foothold on American soil in the future. It is necessary for a strong monarchical government like Russia, Austria-Hungary, or Prussia to maintain a large military force in order to govern successfully their own nation, and other provinces subjugated by them. I consider this whole system as archaic in a civilized age, and I object, and always have done so, since a young man educated in American institutions, (and a personal friend of Abraham Lincoln) to this system of government, or its extension in the world. According to my



views of government and my understanding of the high culture of the German nation today, I would consider it a blessing to the country of my forefathers, if it was entirely free from the control of a monarchical government like that of Prussia, which practically rules the German Empire.

The present king of Prussia, who is also the German Emperor, inherited his title and power, and holds his position through no effort or merit of his own. He is surely a man of great ability and is undoubtedly carrying out the views inculcated by the Hohenzollern family.

The fault of this system does not lie with the individual, but is inherent in itself. A capable king may be followed by one who is entirely incompetent, or the power given him falsely used.

The ten million so-called German-Americans living in the United States, or their descendants have enjoyed life, liberty, and the pursuit of happiness without the overlordship of the Hohenzollern family, they have taken an active part in the affairs of government and have fought here during the civil war to maintain the constitution. This demonstrates what they could do in Germany, if the Government was under control of the people, and the President, and members of both houses, were elected by them under a liberal republican constitution.

The average American President from Washington to Wilson is way above the average European king, or emperor, as history will prove, and these men were elected by the people, and do not claim to get their power through "Divine rights."

What I say of Germany, might also of course apply to other European monarchies, and they would not feel the loss of the so-called "divinely appointed" rulers, more than France has, the loss of the Bourbon family. The world has been ruled long enough in this way.

In a letter written to Bismarck from Babelsberg dated November 7th, 1863, King William I. of Prussia states his views as to the king's position in Prussia under the provisions of the Constitution of that state. "By the customary law of Prussia, which has not been materially altered by the Constitution, the king rules, not his ministers. It is only legislative, not governmental, functions that are shared with the chambers, before which the king is represented by the ministers. It is thus still the law, just as before the constitution, that the ministers are his majesty's servants, and his chosen advisors, but not the rulers of the Prussian state. Even, therefore, by the Constitution, the Prussian monarchy is not yet on a par with that of Belgium or England. Rather with us the king still rules personally and his authority is limited in its exercise only by some power, i. e., only within the legislative sphere."



This shows that Prussia is almost an absolute state as much as Russia. Under this form of government many superior minds in a nation are often put under subjection to one mind, the king, who holds his position for life. There may be times when he is inferior, incompetent, or corrupt, and he still holds control.

#### THE GERMAN ARMY.

Article No. 53 of the Constitution of the German Empire states that :

The Navy of the Empire is united under the supreme command of the Emperor.

When the North German Confederation was formed in 1867, no state entering the Union save Prussia, possessed a navy. When she became a part of the new federal state, Prussia took her navy with her into the Bund, but the command of the navy remained still in the hands of the King of Prussia.

Article No. 63 states that :

The entire land forces of the Empire shall constitute a united army, which in war and peace be under the command of the Emperor.

When the different states entered the North German Confederation, they brought with them their armed forces and contributed them as contingents to the fighting strength of the Union.

The principle of unity in the military organization of the Empire is carried out in three ways :

(1) by placing the supreme command both in peace and war in the hands of the Kaiser ;

(2) by introducing a uniform organization, equipment and a set of tactics in all the contingents ;

(3) by meeting the expenses of the army out of the common treasury.

The King of Prussia is the Emperor of Germany, Commander-in-chief of the Prussian Contingent, he is also Commander-in-chief of all the contingents by reason of the authority vested in him by the Imperial Constitution.

(See work of Howard entitled "German Empire.")

#### MONARCHY SEEKS TO OVERTHROW DEMOCRACY.

There are influences at work to retard the progress of constitutional government in Germany today as in 1848 and 1850. Dr. Buche of the University of Berlin states that : "People, press,

and parliamentarism, are the three evils in the German Empire which should be stamped out." Dr. Boethe will discover, however, that governments go forward and not backward as civilization and enlightenment advance in the world. This impetus is irresistible and cannot be retarded by great armies or strong empires. Fortunately the German Emperor, William II., keeps abreast of the times and is more liberal personally than many of his subjects.

Prof. Hans Delbrueck, historian of the University of Berlin, says: "That Bismarck intended to overthrow the constitution of the German Empire and abolish suffrage in the Reichstag elections. The stand which the present Emperor took in favor of constitutional government in opposition to the views of Bismarck, was the reason of the retirement of the Iron Chancellor, so that Bismarck even with all his iron will had to give way to the progressive world movement.

It also appears evident that the imperial title is purely an honorary one, and the financial support of the Kaiser is received by him as King of Prussia. It is claimed that it is constitutionally impossible to vote money from the imperial exchequer for the support on private use of the Emperor, or his family. This illustrates the limitations imposed in this Twentieth Century upon royalty by the people.

#### THE FAMOUS WEDDING OF THE KAISER'S DAUGHTER.

KING GEORGE V. OF ENGLAND AND NICHOLAS II. OF RUSSIA MET  
WILLIAM II., EMPEROR OF GERMANY, IN BERLIN.

The dispute between the two princely families of Hohenzollern and Guelph was settled November 1, 1913, upon the assumption of the government of the duchy of Brunswick by Prince Ernest August of Cumberland, when he promised unswerving loyalty to the German Empire, to the Emperor and federated rulers of Germany. This was virtually a renunciation of his claims to the Kingdom of Hanover, which his father refused to renounce and was forced to live in exile in Austria.

Following Prince Albert, who was chosen Regent in 1884, Duke Johann Albrecht of Mecklenburg-Schwerin has reigned over the duchy of Brunswick, until the accession of Prince Ernest. The wedding of Prince Ernest to the daughter of the Kaiser was consummated May 24, 1913. Warmly welcomed by the people the couple made their state entry into the duchy

November 3, 1913. This marriage brought England and Germany into more friendly relations, upon this, the first visit, of King George to Germany, and the fact that it was devoted entirely to family affairs had its influence.

At this period three sovereign rulers over the greatest possessions in the world and the largest number of people were met in Berlin, King George of England, Nicholas II. of Russia, and William of Germany.

#### A GREAT CHANGE HAS TAKEN PLACE IN GERMANY.

As a native born American citizen of German parentage, whose father came to New York in 1818 from Saxony and whose grandfather was professor in the University of Jena from 1775 to 1813, and whose mother's father, Justius Johann von Reisenkampf, was educated at Jena and later located in Reval, Russia, where he held the position of collector of the port for thirty years, I wish to call attention to the difference between the manner of conducting the war of 1870 and that of the present war, by the German army commanders.

Bismarck, in his reminiscences, declared that 1,500 trucks were laden with provisions for the Parisians in order to assist them at once, if they surrendered, and thus 1,500 trucks were not available for the transportation of ammunition. "After my departure from France," he says, "in consequence of the change made at his majesty's instance by Gen. von Stosch at Ferieres, in our treaty concerning the maintenance of the German troops, these provisions were assigned to them." (Gen. von Stosch was the husband of my cousin.)

At the behest of Gen. Roon, Bismarck ordered the purchase of 4,000 horses and other requisitions in order to prepare for the bombardment of Paris. "Even this was temporarily delayed," says Bismarck, "through humanitarian sentiment. And the notion that Paris, although fortified and the strongest bulwark of our opponents, might not be attacked the same way as any other fortress, had been imported into our camp from England by the roundabout route of Berlin, together with the phrase about the 'Mecca of civilization,' and other expressions of humanitarian feeling rife and effective in the camp of English public opinion. From London representations were received in our most influential circles to the effect that the capitulation of Paris ought not to be brought about by bombardment, but only by hunger. Whether the latter method was the more humane is a doubtful point."

Bismarck also states that "Queen Augusta was influencing her royal husband by letters in the interest of humanity."

The crown prince's wife, who was a daughter of the queen of England and the mother of the present kaiser; Moltke's wife, the wife of Count Blumenthal, chief of staff, and the wife of Von Gottberg were all English women. These were all using their influence in behalf of humane treatment of the people besieged in Paris, and for the general cause of humanity.

One does not read in history of poisonous gases being floated into Paris, or of Zeppelins dropping bombs on innocent noncombatants. This is to the honor of Kaiser William I. and the crown prince, "Unser Fritz," beloved of all, who was the present kaiser's father. We do not read in history of submarines attacking and sinking great passenger steamships filled with neutrals. Of course, these were not invented, but other methods could have been used nearly as inhuman if the German commanders of that time had been anxious to perpetrate acts of this nature.

I am loyal to the German people as a race, but not to the twenty-two monarchs, great and small, who with a select and limited number of war lords dominate now the great mass of the people of the German empire. I am not in sympathy with the monarchical system prevailing in Germany, which is the antithesis of republicanism, and which confines all real power in the hands of an hereditary aristocracy. It is my belief that if Frederick, the father of the present kaiser, had been the ruler today this unprecedented war would not have occurred.

In 1870 the Prussians were justified in besieging Paris and demanding its capitulation. France virtually forced Prussia then into war. In 1914-1916, however, the circumstances appear to me to be different. The powerful German army, well equipped in every particular, after invading without the slightest provocation a neutral country, Belgium, and devastating the cities, forced its way into France, expecting to capture the capital before it could prepare for defense. In this case it was France fighting for its fatherland, and not Germany. Belgium was not invaded in the Franco-Prussian war of 1870. Bismarck was too wise a chancellor to permit such an impolitic act, which would have brought down upon Germany the censure of neutral nations.

#### AN UNHYPHENATED INVOCATION.

O, departed spirits of once honored and adored citizens of the land of my forefathers—the German fatherland—who enlightened the world through the brilliance and superiority of your intellects—the soul of real German culture! Know you that the haughty, terrible and revengeful war-god Mars reigns in Germany

today, and has more influence and holds greater control over the present generation of the fatherland, the descendants of your once beloved fellow countrymen, than all your combined intellectual and gifted accomplishments?

O, shade of Johann Wolfgang von Goethe, who created an immortal fabric of poetic beauty and sought to elevate mankind above the gross materiality of ancient barbarous instincts! You depicted the devilish and deceptive Mephistopheles, whose influence and counsels led only to sorrow and death.

O, shade of Frederic von Schiller, the undaunted poet and novelist, the apostle of liberty and equality, the real man, unmoved by the assumed superiority of kings claiming a divine right to rule!

O, shade of Mendelssohn and Mozart, composers of the most sublime music of all the ages, who lived in an atmosphere of harmony, the antithesis of war and discord!

O, shade of Alexander von Humboldt, who unfolded great scientific truths in the natural world, and in his *Cosmos* demonstrated the complete harmony and coördination of all created matter and the perfection of the laws of the universe!

O, shade of Immanuel Kant, the super-intellect, who in his *Critique of Pure Reason* analyzed the human mind and pointed out its defects, seeking to elevate the understanding by training it to grasp pure reason, which alone is infallible and does not depend on the testimony of the material senses!

O, shade of Martin Luther, who translated the Bible into German, and thus enlightened the German mind by the illuminating truths of the gospel of Jesus!

Return, O great spirits of the loved and beautiful fatherland, the glorious regions of the Rhine, the Moselle, the Neckar, the Elbe, the Danube, the home of the old and learned universities, of music and poetry, of dance and mirth, the instructors and beloved friends of the student and artist! Calm with your benign influence the unchristian spirit of hate, of revenge, of war, of conquest!

Counteract the false Machiavelian philosophy of Heinrich von Treitschke and von Bernhardi. Show the present generation that intellectual achievements in science, philosophy, poetry, mechanical and commercial activities, will conquer the world and gain more admiration easier, more enduring and legitimate, than brute force, backed by destructive militarism—a thing unnecessary except for the protection of the state!

Teach the present generation that it should endeavor, as in the past, to gain and distribute knowledge and elevate itself and the nation into the regions of pure thought and the brotherhood of all men!



What has brought about this change in Germany? Who has substituted militarism and the appalling manufacture of munitions of war for wholesale destruction, in place of art, poetry, music, and metaphysics? Who has led Germany away from the intellectual atmosphere of the age of Goethe, Schiller, Kant, Lessing, Humboldt, Mozart and Beethoven, back to the days of Alexander or Julius Cæsar?

It must be the work of a controlling individual mind in power, secretly planning for world-wide conquests, who trained the present generation for this end. No European State has been interfered with on the high seas, any more than the United States, and the ships of Germany have had free entry into all the ports of the world, until the present war was precipitated. The experience of Germany, France, Italy, England and the United States, as well as other Nations for the past half-century, has been that nations progress faster, and accomplish more in every line of legitimate enterprise during times of peace, than in a period of war. Maintaining an army for defensive purposes is always necessary, but this does not justify attacking in advance adjoining States without provocation. It is absurd to pretend that any nation can extend the higher culture by military force upon other countries.

There exists in this world certain families accidentally elevated, materially above the great mass of the world's population, thru accumulated power obtained by force, whose chief object is to extend their sovereignty over additional territory. As long as these families remain in control, under a system of monarchical government, war will be forced upon different nations thru real or assumed justification to satisfy the ambition of ???

The United States of America has remained united and has progressed in commerce and education. It has become a world power, without the aid or control of any king, emperor, czar, or large standing army. The presidents of our republic, as a rule, have been equal, if not superior in ability to the so-called divinely appointed rulers of Europe, who believe themselves justified in dividing the earth between their respective families.

My grandfather, Johann August Heinrich Ulrich, stated in his work on metaphysics, published in Jena, where he was a professor and contemporary with Goethe and Schiller as well as Kant, that "we must look at the world as the most perfect and best world here as a moral unit, as a system of means and ends, the work of an infinitely good, wise and powerful author; and before our eyes is the thought of a relative, highest perfection, where therefore the best adapted means are prepared for the best and greatest purpose." That is our gospel. That is also the living gospel of the real Germany.

There is nothing in this philosophy that corresponds with the "iron fist" of Bismarck, or the "military force" of Treitschke, but it is in harmony with the real culture of the days of Kant and Goethe. Von Bernhardt and his instructor, Von Treitschke, are compelled to go back one hundred years in order to discover in Germany example of real German culture. It is evident that this literary culture has not been conspicuous within the last forty years of Germany's military preparedness. Instead, many books, pamphlets and contributions to magazines emanating from German professors and authors, have been pronounced in their advocacy of militarism, conquests and the efficacy of brute force.

It is imperialism and military force and perhaps efficiency, but not real culture as we understand, that would obtain in conquered provinces if the government of Germany were extended. It would be efficiency without liberty. I do not care to extend this system or encourage its extension directly or indirectly. As far as culture is concerned, America now has a large number of well-organized universities containing five or six thousand students each and these universities are creating in America a class of highly cultured citizens which will be equal to the same class in Europe.

#### NOT GERMAN-AMERICANS

#### BUT

#### AMERICAN CITIZENS OF GERMAN PARENTAGE.

"The destiny of the Germans and their descendants in our republic is a question that may well be considered by all American citizens, but especially by the Germans themselves. For centuries past, Germany has been the great centre of learning and profound research in Europe, and has accomplished a great deal towards the development of liberal institutions, and personal and national freedom. As Athens was to Greece, so Germany has been and is to Europe. In its universities have been educated some of the greatest historians, poets, theologists, geologists, statesmen, diplomats and princes known to the world. Should the genius of the Germans shine forth with its native brilliancy, altho transplanted on our American soil, and developed under the liberal institutions of a free government, why not expect in time results equal to those accomplished in their native land? With the superior advantages that may be derived in our country with unrestricted privileges, should they not surpass far the children of continental monarchies? Unless they abuse their newly acquired liberties, they undoubtedly will. Upon this pivot

hangs the destiny of the race, and the answer to the question as to their future glory and renown in our great republic. A quarter of a century hence the effects of past ages of oppression and monarchical rule upon the races who have emigrated to this country will be buried in oblivion. At the expiration of that time, if not sooner, rest assured the powerful and native genius of the Germans, where not destroyed by the results of dissipation, will spring forth in all its brilliancy and vigor, as a strong man arising from refreshing slumber, and carry this mighty republic upward and onward to an enduring and glorious future, as yet un contemplated by its statesmen and scholars. They will strengthen the barriers that must be established to check the power of an overbearing moneyed aristocracy. They will create equality and place superiority upon the ground of intellect only, and thereby break down the domineering rule of the rich though often ignorant leaders of our present social system. They will encourage a love and respect for music and the fine arts, consequently refining the national tastes, and stop the maddening desire for gain that is destroying the health, happiness and strength of our people, and corrupting every department of our government.

"But to accomplish all this, the Germans and their descendants among us have a great duty to perform. They owe a duty to the past, to the present and to the future. The accumulated learning and wisdom of the past, the literature of Germany should be brought down to the present, promulgated in America, and transmitted through the rising generations to the future. In furtherance of this aim the German language is and should continue to be taught in all our city public schools. A great step forward must be taken as to what men drink, and herein let Germans show a progressive spirit, and break off old and debasing habits.

"Carlisle introduced Goethe and Schiller by translating their works to the English, and no higher authority could be obtained than his as to their talents and literary achievements. There are many Germans of culture in America, and they do honor to themselves and their countrymen when they seek to revive the memory of such rare and gifted men as Schiller, Goethe, Kant, Luther or Mendelssohn on this side of the Atlantic.

"The great power of the Germans should be directed aright politically, and their loyalty remain unquestioned. Their influence and suffrage should not be lost to the welfare of the republic by being diverted into channels which will tend to strengthen those who are hostile to our interests as a nation."

Should this be done here, and the intellectual glory of the land of their ancestors be perpetuated for generations through them, keeping them faithful to the preserving influence of correct and

moral principles, and free from superstition or bigotry, as well as loyal to a republican form of government, time will reveal in them the superiority of their race; while the halls of our national and state legislatures, the bench of our chief justices, the chair of our presidents, as well as the pulpit and professor's chair will be often meritoriously filled by those in whose veins flows the blood of the Teutons.

## CONSTITUTION OF THE OTTOMAN EMPIRE.

CHABAN 5, 1327 (JULY 24, 1908).

*(Translated from the French by Eugene C. LeBault.)*

Article 1. The Ottoman Empire is composed of the lands, the possessions and the privileged provinces actually in existence.

It forms an indivisible element, from which no part shall ever be detached for any reason whatsoever.

Art. 2. Constantinople is the capital of the Ottoman Empire.

This city does not have, to the exception of other cities of the Empire, any special privileges nor immunities of its own.

Art. 3. The Ottoman sovereignty, which is vested in the person of the Sovereign, the Caliph, supreme of Islam, belongs to the oldest prince of the dynasty of Osman, as per regulations established *ab antiquo*. On his advent to the throne, the Sovereign swears, in the general assembly, or if it is not in session, on its first meeting, to respect the dispositions of the Constitution and to be loyal to the country and the nation.

Art. 4. His Imperial Majesty the Sultan is by title of supreme Caliph, the protector of the Mussulman religion.

He is the Sovereign and the Pashah of all the Ottomans.

Art. 5. His Imperial Majesty the Sultan is irresponsible; his person is sacred.

Art. 6. The liberty of the members of the Ottoman imperial dynasty, their personal property, movable or immovable, and their civil allowance during life, shall be under the guarantee of all.

Art. 7. H. I. M. the Sultan counts amongst his sovereign prerogatives: the mention of his name in the mosques during public prayers; the stamping of coins; the conferring of grades and decorations as per special regulations governing same; the nomination to high public offices as per special laws; the choice and nomination of the grand-vizier and the high priest, and the investing of the cabinet members with power, which the grand-



vizier forms and presents for his approval; in case of necessity the revocation and change of ministers, as per regulations; the sanction, the promulgation and enactment of general laws; the making of regulations regarding the operations of the departments of State and the manner of enforcing the laws; the initiative of all the laws; the maintenance and execution of the civil and religious laws; the investiture of the chiefs of the privileged provinces in the manner which has been conceded them; the commandment of the land and naval forces; the declaration of war; the making of peace; the commutation and delay of the sentences passed by the criminal courts; the proclamation of general amnesties approved by the national assembly; the opening and closing of the parliamentary sessions; the summoning of the national assembly for special session under extraordinary circumstances; the dissolution of the House of Deputies, with the permission of the Senate as per Article 35, to proceed with new elections, and to call to meeting the new assembly in the space of three months; the conclusion of all treaties.

Only the approval of Parliament, is necessary for the conclusion of treaties regarding the peace, commerce, the secession or annexation of territory, the fundamental and individual rights of the Ottoman subjects, and those for which is necessary for the State to spend money. In case of a change of ministers, when Parliament is not in session, the responsibility of this change shall fall upon the new cabinet.

#### PUBLIC RIGHT OF THE OTTOMANS.

Art. 8. All the subjects of the Empire are called Ottomans, no matter what religion they profess.

The rights of Ottoman are acquired or lost according to the case specified by law.

Art. 9. All Ottomans shall enjoy individual liberty, on the condition that they do not attempt against the liberty of others.

Art. 10. Individual liberty shall be inviolable. No one can, without any pretext, be arrested or sentenced, except according to the manner and case determined by religious and civil laws.

Art. 11. The State religion shall be that of Islam.

Even though safeguarding this principle, the State protects the free exercise of all cults recognized in the Empire and maintains the religious privileges given to the various communities, on the condition that they do not offend the public order and good habits.

Art. 12. The press is free within the limits set by law. It cannot under any pretext be subjected to previous censure, before the impression.



Art. 13. The Ottomans are at liberty to form commercial, industrial or agricultural associations, within the limits determined by the laws and regulations.

Art. 14. One or more persons belonging to the Ottoman nationality have the right to present petitions to the competent authority, regarding infractions of laws or regulations, committed against their person, or against the public interest, and they can also address, as a reclamation, signed petitions to the Ottoman General Assembly, complaining of the conduct of functionaries or employees of the State.

Art. 15. Education shall be free.

Each Ottoman may hold public or private courses, on the condition that he complies with the law.

Art. 16. All schools shall be placed under the superintendence of the State.

The government shall find proper means to unify and regulate the teaching given to all Ottomans, but it cannot interfere with the religious teaching of the different communities.

Art. 17. All Ottomans are equal before the law. They have the same rights and duties towards the country, no matter what their religion may be.

Art. 18. The admission to public offices shall be upon the condition that Turkish must be recognized as the official language of the State.

Art. 19. All Ottomans shall be admitted to public office, according to their aptitude, their merit and their capacity.

Art. 20. The laying and division of taxes shall be made according to special laws and regulations, in proportion to the fortune of each contributor.

Art. 21. Movable and immovable property, established according to regulations shall be guaranteed.

Expropriation cannot take place, except in a case of public utility duly stated, and against previous payment, according to law, of the value to be expropriated.

Art. 22. The home is inviolable.

The authorities cannot enter by force into any house, except in the cases specified by law.

Art. 23. No one shall be compelled to appear in another but the competent court, as per law of procedure that shall be enacted.

Art. 24. The confiscation of goods, feudal taxation upon servants, and djereme (exaction under the form of pecuniary penalty) shall be prohibited.

All contributions raised legally in time of war and measures made necessary by a state of war, shall be excepted from this disposition.

Art. 25. No sum of money shall be taken as duty or tax or under any other denomination except by virtue of one law.

Art. 26. Questioning and torture in all its forms are completely and absolutely prohibited.

#### THE MINISTERS.

Art. 27. As H. I. M. the Sultan vests the power of Grand Vizier and high priest on the persons upon whom he has placed his confidence, he shall also confirm in their functions, by imperial decree, the other ministers, chosen and proposed by the Grand Vizier, who is charged with the formation of the cabinet.

Art. 28. The council of ministers meets under the presidency of the Grand Vizier and has for its duty the deliberation of important affairs, both exterior and interior. Deliberations that must be submitted to the sanction of H. I. M. the Sultan shall be enacted by imperial decree.

Art. 29. Each ministerial department head, administers within the limits of his power, the affairs that are assorted to his department, and those that are beyond his power he must refer to the grand vizier. The grand vizier shall dispose of the reports sent to him by the head of each department, by bringing them before the council of ministers, and submitting them immediately to the imperial sanction, or on the other hand to enact them himself or submit them to the decision of H. I. M. the Sultan, Special rules will regulate this division of duties for each ministerial department. The high priest shall submit directly to the approbation of the Sultan the affairs that do not need ministerial deliberation.

Art. 30. The ministers are jointly responsible before the House of Deputies, for the general policy of the government, and individually for their personal acts. The decisions that need imperial approval shall not be valid unless they are signed by the sovereign and countersigned by the grand vizier and competent minister, who assumes in this manner the responsibility. The decisions passed by the Council shall be signed by all the ministers and in case they need imperial approval they shall be preceded by the signature of the sovereign.

Art. 31. If one or several members of the House of Deputies wishes to make a complaint against one of the ministers regarding his responsibility and on account of things which the House has a right to know, the complaint shall be given to the president, who will send it, inside of three days, by virtue of internal regulations, to the bureau charged with examining the complaint and deciding whether it should be submitted to the deliberation of the House.

The decision of this bureau shall be taken by majority vote, after the necessary information has been obtained and explanations given by the Minister accused.

If the bureau decides to submit the complaint to the House, the report stating this decision, shall be read in public session, and the House, after having heard the explanations of the Minister accused, who has been called to assist at this session, or of his representative, shall vote by absolute majority of its members on the conclusions of this report.

In case these decisions are adopted, an address asking for the trial of the Minister accused, is sent to the Grand Vizier who in his turn submits it to H. I. M. the Sultan, and then forwards it to the High Court by virtue of Imperial Decree.

Art. 32. A special law shall determine the manner of proceeding for the judgment of **ministers**.

Art. 33. There shall be no difference between the Ministers and private parties, as regards private matters which are outside of their functions.

Art. 34. The Minister against whom judgment has been pronounced by the accusation Chamber of the High Court, shall be suspended from his functions until he has been cleared of the charges brought against him.

Art. 35. In case of a disagreement between the ministers and House of Deputies, if the ministers persist in their proposition and if the House opposes it formally and repeatedly, the ministry is obliged to submit to the decision of the House or send their resignation. In case of a resignation, if the new ministry persists in the project of the preceding and the House again rejects it by a justified vote, H. I. M. the Sultan can dissolve the House of Deputies, with the purpose of proceeding with the new elections following dispositions under Article 7. But if the new House persists in the decision of the precedent then the acceptance of this decision becomes obligatory.

Art. 36. In case of urgent necessity, if the general assembly is not in session, and if there is no time to call the House for a vote, on a law to guard the State against a danger, or safeguard the public security, the ministry can take the steps necessary, which will be in force temporarily until the convocation of Parliament, if they are not against the precepts of the Constitution and upon the condition that they shall be sanctioned by imperial decree and submitted to the general assembly as soon as it convenes.

Art. 37. Each Minister has the right to be present at the sessions of the Senate and the House of Deputies, or to send a representative from the highest functionaries in his department.

He has also the right to be heard before any member of the House who has been given the floor.

Art. 38. When following a decision taken by majority vote, a minister is asked to appear before the House of Deputies and give explanations, he is obliged to answer all questions put to him, either by appearing personally or delegating a superior functionary of his department. He has also the right of postponing his answer, if he thinks necessary, taking upon himself the responsibility of this act. All vote of suspicion emitted by the majority of deputies, following an interpellation against a minister, shall bring about his downfall, in the same manner as a vote of suspicion emitted against the president of the council shall bring about the downfall of the ministry.

#### PUBLIC FUNCTIONARIES.

Art. 39. All nominations for the different public offices shall be made according to the regulations that determine the merit and capacity needed for admission into a State office.

All functionaries nominated under these conditions cannot be revoked or changed:

If it is not proven that his conduct legally warrants his recall.

If he has not sent his resignation, or if his recall is not judged indispensable by the Government.

The functionaries that have given proof of good conduct and honesty, and those whose recall the Government has judged indispensable, shall have the right of advancement, or of a retiring pension, or to the guarantees of reserve, as per dispositions which shall be determined by special regulation.

Art. 40. The duties of the various functions shall be determined by special regulations.

Each functionary is responsible within the limits of his duties.

Art. 41. All functionaries must respect their superiors, but obedience is not obligatory except as regards orders given within the limits specified by law.

As regards acts committed against the law, the fact that the offender is obeying a superior, does not detract from the responsibility of the functionary that commits them.

#### THE GENERAL ASSEMBLY.

Art. 42. The General Assembly is composed of two Houses: the Senate and the House of Deputies.

Art. 43. The two Houses composing the national assembly convene of their own right, the first day of November of each year. The opening of the session takes place by imperial decree.

The closing is fixed for the first day of March following and shall also be pronounced by virtue of imperial decree. Neither of the Houses shall convene on a different date from the other.

Art. 44. H. I. M. the Sultan can, according to circumstances, be they his own, or by written demand of the absolute majority of the deputies, advance the opening of the general assembly or prolong the same, either by his own wish or by decision of the assembly itself.

Art. 45. The solemnity of the opening shall take place in the presence of H. I. M. the Sultan, either in person, or represented by the Grand Vizier and in the presence of the ministers and members of both Houses.

An Imperial message shall be read stating the interior situation of the Empire, and the exterior relations of the state, for the past year, and indicating the measures that are advisable to take.

Art. 46. All of the members of the General Assembly shall give oath that they will be loyal to H. I. M. the Sultan and to the country, to observe the Constitution, to fulfill the duties that have been given them, and to do nothing against their duties.

The giving of oath by the new members shall take place in the opening session, in the presence of the Grand Vizier, and after the opening session before their respective presidents, in public session of the House to which they belong.

Art. 47. The members of the General Assembly shall be free in their votes and opinions.

They shall not be bound by instructions or promises, nor influenced by threats.

They cannot be prosecuted for their opinions or votes given during the course of deliberation in the House of which they form part, unless same are against the rules of said House, in which case the dispositions edited by regulations shall be applied to his case.

Art. 48. Any member of the General Assembly, who by absolute majority of votes is accused of treason, or of an attempt at violating the Constitution or fraud, or who has been legally sentenced to imprisonment or exile, shall lose his position of senator or deputy.

The judgment and application of the sentence shall belong to the competent court.

Art. 49. Each member of the General Assembly shall vote in person. He has the right to be absent at the moment of voting.

Art. 50. No one shall be, at the same time, member of the two Houses.

Art. 51. No deliberation shall take place in either of the Houses unless half of its members are present.

Excepting the cases for which a two-third majority is required,



all resolutions shall be taken by absolute majority of the members present.

In case of a tie the voice of the president shall decide.

Art. 52. All petitions regarding private interests, presented to either of the Houses, shall be rejected, if the references asked for show that the petitioner did not address, in the first place, the public functionaries who have this in charge or the authority that takes the place of these functionaries.

Art. 53. The initiative on the proposition of a law or modification of an existing law belongs to the ministers, senators and deputies. Every new law, or change in a law approved by one House is sent to the other, and after its approval by the second it shall be sent for the sanction of H. I. M. the Sultan.

Art. 54. The projects of law shall be first submitted to the discussion and deliberation of the House of Deputies and Senate; but they shall not go into effect, until after being approved by both Houses they shall be sanctioned by imperial decree. All laws presented to the sovereign must be sanctioned inside of two months or sent back to be submitted to a second deliberation. The law sent back before parliament for a second deliberation must receive there the majority of two thirds. A law that has been declared urgent, shall be sanctioned or returned to Parliament inside of ten days.

Art. 55. A project of law shall not be considered as adopted if it is not voted successively by the House of Deputies and Senate, with a majority of votes, each article separately, and if the whole of the project has not received the majority of votes of each House.

Art. 56. With the exception of the Ministers, their delegates and functionaries who have been called by special invitation, no one shall be presented in either House, nor allowed to make any communication whatsoever, no matter if he comes in his own name or representing a group of persons.

Art. 57. The deliberations of the Houses shall take place in the Turkish language.

The projects shall be printed and distributed the day before it is discussed.

Art. 58. The votes shall be given: by personal call; by outward signs of manifestation or by a secret method.

The secret vote shall be submitted to the decision of the House by majority of the members present.

Art. 59. The internal police power of each House is exercised by its president.

## THE SENATE.

Art. 60. The president and members of the Senate shall be nominated directly by his Majesty the Sultan.

The number of Senators cannot exceed the third of the members of the House of Deputies.

Art. 61. The following specifications are needed in order to be nominated Senator :

To have become by his acts worthy of public confidence, or

To have rendered good service to the State.

To be at least forty years old.

Art. 62. The Senators shall be named for life.

The dignity of Senator may be conferred upon persons in reserve, who have exercised the functions of minister, governor general (vali), commandant of the army corps, cazasker (supreme judge), ambassador or plenipotentiary minister, patriarch, khakhambachi (grand rabbi), upon the generals of division of the land and naval forces, and in general upon persons who unite all the conditions required.

The members of Senate called to take another post, shall lose their quality of Senators.

Art. 63. The remuneration of a Senator shall be fixed at the sum of ten thousand piasters a month.

The Senator who receives from the Treasury a salary or remuneration from another title, shall only have the right to the complement if the sum received is under ten thousand piasters. If this amount is equal or superior to the salary of Senator he shall continue to receive same.

Art. 64. The Senate examines the projects of law or budget sent by the House of Deputies.

If during the examination of a project of law the Senate finds that a disposition is against the sovereign rights of His Majesty the Sultan, the liberty, the Constitution, the territorial integrity of the Empire, interior safety of the country, the interest and defense of the country, or the good habits, it will reject it definitely by a justified vote, or return it, accompanied by its observations, to the House of Deputies, asking that it shall be amended or changed according to said observations.

The projects of law approved by the Senate shall be sent to the Grand Vizier, accompanied by its approval.

The Senate shall examine the petitions presented; those that are considered worthy shall be sent with its observations to the Grand Vizier.

## THE CHAMBER OF DEPUTIES.

Art. 65. The number of Deputies shall be fixed at the rate of one per each fifty thousand male citizens of the Ottoman Empire.

Art. 66. The election shall be secret. The manner of electing shall be determined by a special law.

Art. 67. The position of deputy is incompatible with the public functions, excepting those of minister.

All other public functionaries, elected deputies, are free to accept or reject the post, but, in case they accept, they must resign their functions **immediately**.

Art. 68. The following are not eligible for deputies:

1. Those who do not belong to the Ottoman nationality;
2. Those who by virtue of special regulations in vigor, enjoy the immunities attached to the foreign service which they exercise;
3. Those who do not know Turkish;
4. Those who are not thirty years of age;
5. Those in the services of a private party;
6. Those who are bankrupt and have not been rehabilitated;
7. Those who have been notoriously discredited by their conduct;
8. Those who have been judicially interdicted as long as this prohibition is not lifted;
9. Those who do not enjoy their civil rights;
10. Those who wish to belong to a foreign nation.

After the expiration of the first period of four years one of the conditions to the eligibility as deputy shall be to be able to read Turkish and as much as possible, to write this language.

Art. 69. The general elections of deputies shall take place every four years.

The functions of each deputy shall only last four years, but he can be reelected.

Art. 70. The general elections shall take place, at the latest, four months before November 1, which is the date set for the meeting of the House.

Art. 71. Each member of the House of Deputies represents all the Ottoman subjects, and not the party that nominated him.

Art. 72. The electors must choose their deputies from the inhabitants of the province to which they belong.

Art. 73. In case of dissolution of the House of Deputies by Imperial Decree, the general elections must take place in time for the House to meet again, or at the latest within six months of its dissolution.

Art. 74. In case of death, judicial interdict, prolonged ab-

sence, loss of post as deputy resulting from a sentence, or acceptance of public functions, the vacancy shall be filled, as per prescriptions of electoral law, as soon as the deputy is able to take his post, or at the latest, in the following session.

Art. 75. The deputy elected to fill a vacancy shall only exercise his functions until the following general elections.

Art. 76. The treasury shall allow each deputy, thirty thousand piasters per session and traveling expenses, established as per dispositions of the regulations that rule the civil functionaries of the State, calculated on a basis of five thousand piasters monthly salary. He shall also be allowed an indemnity of five thousand piasters a month for each session lasting more than the fixed period.

Art. 77. At each session the House of Deputies elects, by majority, one president and two vice-presidents who are submitted to imperial approval.

Art. 78. The sessions of the House of Deputies shall be public.

The House has a right to meet secretly if the proposition is made by the Ministers, or the President, or by fifteen members, and if this proposition is voted on in secret.

Art. 79. No Deputy shall be arrested or prosecuted, during the session, unless he be caught in the act, without a decision taken by the House giving permission for the prosecution.

Art. 80. The House of Deputies examines in detail the general expenses of the State, and sums the total in the presence of the ministers. The nature and amount of revenue, that must be used in payment of same, the manner of distribution and collection, must also be determined in their presence.

#### THE JUDICIAL POWER.

Art. 81. The judges, nominated as per special law that rules this matter, and possessing their documents of investiture (*Berat*), are irremovable, but they may send in their resignation.

The advancement of judges in their hierarchic order, their transfer, their retirement, their recall in case of judicial sentence, are submitted to the dispositions of the same law.

This law determines the conditions and qualities required to exercise the functions of judge and other judicial functions.

Art. 82. The audiences in all courts shall be public.

The publication of sentences is authorized.

In the cases specified by the law, the court may hold session behind closed doors.

Art. 83. Any person may, in his own defense, make use of the means given by the law, before the court.

Art. 84. The court cannot, under any pretext whatsoever, refuse to judge a case that comes under its jurisdiction.

It cannot stop or adjourn a judgment after it has commenced the examination or instruction, unless the complainant refuses to continue the case.

In penal cases, public action shall continue according to law even after the complainant has refused to continue.

Art. 85. Each case is judged by the competent court.

Litigation between private persons and the State shall be taken up in the ordinary courts.

Art. 86. There shall not be allowed any interference in the courts.

Art. 87. The affairs concerning the *Cheri* are judged by the courts of the *Cheri*; the judgment of civil affairs belongs to the civil courts.

Art. 88. The various categories of the courts, their competence, their attributions and emoluments of the judges shall be regulated by the laws.

Art. 89. Outside of the ordinary courts, no extraordinary courts, nor commissions to judge special cases, shall be instituted under any denomination whatsoever.

Arbitration (*Takkin*), and the nomination of a *muvela* (judge-delegate), shall be permitted in the manner determined by law.

Art. 90. A judge cannot hold any other remunerative State office.

Art. 91. Imperial attorneys shall be instituted, charged with conducting the public cases.

Their attributions and hierarchy shall be determined by law.

#### THE SUPREME COURT.

Art. 92. The Supreme Court is formed of thirty members, ten senators, ten counselors of State and ten members chosen from the presidents and members of the Abrogate Court and Appellate Court.

All the members shall be chosen by chance.

The Supreme Court meets, whenever necessary, by Imperial Decree, and holds session in the House of the Senate.

Their attributions consist in judging:

The ministers;

The president and the members of the Abrogate Court;

And all other persons accused of the crime of *lèse-majesté*, or attempt against the safety of the State.

Art. 93. The Supreme Court is composed of two Chambers: the Chamber of accusation and the Chamber of judgment.

The Chamber of accusation is composed of nine members,



chosen by chance from the members of the Supreme Court ; three senators, three counselors of State and three members of the Abrogate Court and Appellate Court.

Art. 94. The person coming before the Chamber of judgment shall be pronounced upon by the Chamber of accusation, by a majority of two thirds of its members.

The members of the Chamber of accusation cannot take part in the deliberations of the Chamber of judgment.

Art. 95. The Chamber of judgment is composed of twenty-one members, seven senators, seven counselors of State and seven members of the Abrogate Court and the Appellate Court.

The judgment of the cases sent by the Chamber of accusation shall be passed by a majority of two thirds of its members.

Its judgments cannot be appealed nor repealed.

#### THE FINANCES.

Art. 96. No tax reverting to the State shall be established, distributed or collected unless it be by virtue of one law.

Art. 97. The budget shall contain provisions of receipts and expenses of the State.

The duties reverting to the State, shall be regulated by this law, as regard their imposition, distribution and collection.

Art. 98. The examination and vote of the budget by the General Assembly shall be taken by articles.

The annexed lists, containing the receipts and expenses in detail, shall be divided in sections, chapters and articles, according to the model determined by regulations.

These lists will voted on by chapters.

Art. 99. The project of law of the budget will be submitted to the house of Deputies immediately after the opening session so that they may be put into execution at the beginning of the exercise to which they refer.

Art. 100. Any expenses not mentioned in the budget cannot be paid by State funds, unless it be by virtue of a law.

Art. 101. In case of urgent necessity caused by extraordinary circumstances, the Ministers have the power, during the absence of the General Assembly, to create, by Imperial Decree, the necessary resources and cover an expense not mentioned in the budget, upon the condition that at the opening of the first session of the General Assembly, it must be brought up for a vote as a project of law.

Art. 102. The budget is voted for a year ; it shall only be in force during the year to which it refers.

If at any time, by force of exceptional circumstances, the

House of Deputies is dissolved before having voted the budget, the Ministers may, by a decision taken per Imperial Decree, use the budget of the preceding year until the following session. The provisional use of this budget cannot extend over one year.

Art. 103. The final law regulating the budget, indicates the total receipts and payments made on the revenues and the expenses of the year to which it refers.

Its form and divisions must be the same as the budget.

Art. 104. The final project of law regulating this, must be submitted to the House of Deputies, at the latest, inside of four years, counting from the end of the year in which it was used.

Art. 105. A Court of Accounts shall be instituted, charged with the examination of the operations of those responsible for the finances, and the annual accounts of the various ministerial departments.

This court will send every year to the House of Deputies a special report containing the results of its work and its observations.

At the end of every third month this court will present to His Majesty the Sultan, through the Grand Vizier, a report of the financial situation.

Art. 106. The Court of Accounts shall be composed of twelve members, who are nominated for life by Imperial Decree.

None of them shall be deposed unless a justified reason for this action is approved by the House of Deputies, by a majority vote.

Art. 107. The conditions and qualities asked of the members of the Court of Accounts, the detail of their attributions, the rules used in case of resignation, the replacement, advancement and retirement, as well as the organization of the bureaux of the Court, shall be determined by special law.

#### PROVINCIAL ADMINISTRATION.

Art. 108. The Administration of the Provinces shall have for basis the principle of decentralization.

The details of this organization shall be determined by a law.

Art. 109. A special law on a larger basis will regulate the election of the Provincial Administrative Councils (*vilayet*), the district (*sandjack*), and canton (*kaza*), as well as the General Council, and these shall meet annually at the capital of each province.

Art. 110. The attributions of the General Provincial Council shall be determined by the same special law, and they are as follows:

The faculty of deciding on cases of public utility, as the establishing of communications, the organization of agricultural credit banks, the development of industry, commerce and agriculture and the propagation of public instruction.

The right to complain to the competent authorities to obtain the correction of acts committed against the laws and regulations whether it be regarding the distribution or collection of the taxes or in any other matter.

Art. 111. In each kaza there shall be a Council representing each of the various communities. This Council shall be in charge:

1. Of the administration of the immovable revenues or funds vakoufs (religious institutions), whose special purpose shall be determined by the dispositions expressed by the founders or by custom;

2. The employment of funds or goods affected by testamentary disposition, for acts of charity or benefaction;

3. The administration of orphan funds, according to special regulations that rule the matter.

Each Council shall be composed of members elected by the community they represent, as per special regulations to be established.

These Councils shall take the place of the local authorities and the General Provincial Councils.

Art. 112. The municipal affairs shall be administrated at Constantinople and in the provinces by the Municipal Councils elected.

The organization of the Municipal Councils, their attributions and the manner of electing their members shall be determined by a special law.

#### VARIOUS DISPOSITIONS.

Art. 113. In case of confirmation of facts, or indications of a nature that predict trouble in any part of the Imperial territory, the Imperial Government has the right to proclaim martial law.

Martial law shall result in the temporary suspension of the civil laws.

The manner of administration of the localities submitted to martial law shall be regulated by a special law.

Art. 114. Primary instruction is compulsory for all Ottomans. The details of same shall be regulated by a special law.

Art. 115. Any disposition given under this Constitution, shall not, under any pretext whatsoever, be suspended or abandoned.

Art. 116. In case of necessity, duly stated, the Constitution

may be changed in some of its dispositions. This change shall be under the following conditions:

All propositions for changes, whether presented by the ministry, or by either House, must first be submitted to the discussion of the House of Deputies;

If the proposition is approved by a majority of two thirds of the members of this House, it shall then be sent to the Senate;

In case that the Senate adopts the change proposed, by a two-thirds majority of Senators, it shall then be sent for the approval of His Majesty the Sultan;

If it is sanctioned by Imperial Decree, it shall then go in force as a law;

Any disposition of the Constitution which is the object of a proposition for change, is in vigor, until this proposition after being approved by both Houses is sanctioned by Imperial Decree.

Art. 117. The interpretation of the laws belongs:

To the Abrogate Court on civil and penal laws;

To the Council of State on administrative laws;

To the Senate on the dispositions of the Constitution.

Art. 118. The laws, regulations and customs actually in vigor shall continue to be used as long as they are not repealed or changed by other laws and regulations. Religious, civil and moral prescriptions according to the need of humanity and time shall be adopted as basis in the making of a law.

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Three other articles have been added to the constitutional law, having received the Nos. 119, 120 and 121, awaiting the time when they will be placed in their special chapter at the moment of a final examination of the constitutional revision. These three articles are the following:

Art. 119. The documents and letters sent through the mails cannot be opened without an order from the judge of instruction or the court.

Art. 120. The Ottomans have the right of holding meetings upon the condition that they respect the dispositions of the law adhoc. The forming of Societies contrary to good habits, or having for purpose an attempt against the territorial integrity of the Ottoman Empire, to change the form of Constitution and government, to act against the dispositions of the constitutional law and to politically separate the various Ottoman elements, is absolutely prohibited. The forming of Secret Societies is also absolutely prohibited.

Art. 121. The discussions of the Senate are public, but upon a move of the ministers or five senators to discuss any important question in secret, the hall shall be evacuated with the exception

of the members of the Assembly, and the proposition shall be accepted or rejected by majority of votes.

The 5 Chaban 1327 (August 8, 1325).

## NEW ZEALAND.

The Dutch navigator Tasman discovered New Zealand in 1642, and in 1769 Captain Cook took possession of the country for George III. The first settlement of the Europeans was made in 1814, but no colonization took place until 1839. In 1841 New Zealand was by letters patent erected into a separate colony distinct from New South Wales.

*(From New Zealand Official Year Book.)*

## THE MAORIS.

Prior to the colonization of New Zealand by Europeans, the earliest navigators and explorers found a race of people already inhabiting both Islands. Papers written in 1874 by Mr. (afterwards Sir) William Fox and Sir Donald McLean (then Native Minister) state that at what time the discovery of these Islands was made by the Maoris, or from what place they came, are matters of tradition only, and that much has been lost in the obscurity enveloping the history of a people without letters. Nor is there anything on record respecting the origin of the Maori people themselves, beyond the general tradition of the Polynesian race, which seems to show a series of successive migrations from west to east, probably by way of Malaysia to the Pacific. Little more can now be gathered from their traditions than that they were immigrants and that they probably found inhabitants on the east coast of the North Island belonging to the same race as themselves—the descendants of a prior migration, whose history is lost. The tradition runs that, generations ago, the Maoris dwelt in a country named Hawaiki, and that one of their chiefs, after a long voyage, reached the northern island of New Zealand. Returning to his home with a flattering description of the country he had discovered, this chief, it is said, persuaded a number of his kinsfolk and friends, who were much harassed by war, to set out with a fleet of double canoes for the new land. The names of most of the canoes are still remembered, and each tribe agrees in its account of the doings of the people of the principal canoes after their arrival in New Zealand; and from these traditional accounts the descent of the numerous tribes has been



traced. Calculations, based on the genealogical staves kept by the *tohungas*, or priests, and on the well-authenticated traditions of the people, indicate that about twenty-one generations have passed since the migration, which may therefore be assumed to have taken place about five hundred and twenty-five years ago. The position of the legendary Hawaiki is unknown, but many places in the South Seas have been thus named in memory of the motherland. The Maoris speak a very pure dialect of the Polynesian language, the common tongue, with more or less variation, in all the eastern Pacific islands. When Captain Cook first visited New Zealand he availed himself of the services of a Native from Tahiti, whose speech was easily understood by the Maoris. In this way much information respecting the early history of the country and its inhabitants was obtained which could not have otherwise been had.

For results of recent researches as to probable origin of the Maoris, see Year-book for 1901.

#### CONSTITUTION.

British sovereignty was proclaimed over New Zealand in January, 1840, and the country became a dependency of New South Wales until the 3rd May, 1841, when it was made a separate colony. The seat of Government was at Auckland, and the Executive included the Governor, and three gentlemen holding office as Colonial Secretary, Attorney-General, and Colonial Treasurer.

The successors of these gentlemen, appointed in August, 1841, May, 1842, and January, 1844, respectively, continued in office until the establishment of Responsible Government on the 7th of May, 1856. Only one of them—Mr. Swainson, the Attorney-General—sat as a member of the first General Assembly, opened on the 27th May, 1854. During the session of that year there were associated with the permanent members of the Executive Council certain members of the General Assembly. These latter held no portfolios.

The Government of the colony was at first vested in the Governor, who was responsible only to the Crown; but in 1852 an Act granting representative institutions to the colony was passed by the Imperial Legislature. Under it the constitution of a General Assembly for the whole colony was provided for, to consist of a Legislative Council, the members of which were to be nominated by the Governor, and of an elective House of Representatives. The first session of the General Assembly was opened on the 27th May, 1854, but the members of the Executive were not responsible to Parliament. The first Ministers under a sys-

tem of Responsible Government were appointed in the year 1856. By the Act of 1852 the colony was divided into six provinces, each to be presided over by an elective Superintendent, and to have an elective Provincial Council, empowered to legislate, except on certain specified subjects. The franchise amounted practically to household suffrage. In each case the election was for four years, but a dissolution of the Provincial Council by the Governor could take place at any time, necessitating a fresh election both of the Council and of the Superintendent. The Superintendent was chosen by the whole body of electors of the province; each member of the Provincial Council by the electors of a district. The Provincial Governments, afterwards increased to nine, remained as integral parts of the Constitution of the colony until the 1st November, 1876, when they were abolished by an Act of the General Assembly, that body having been vested with the power of altering the Constitution Act. On the same day an Act of the General Assembly which subdivided the colony (exclusive of the areas included within municipalities) into counties, and established a system of local county government, came into force.

By resolutions passed by the House of Representatives on the 12th July, 1907, and by the Legislative Council on the 16th July, 1907, addresses were forwarded to His Majesty the King respectfully requesting that the necessary steps might be taken to change the designation of New Zealand from the Colony of New Zealand to the Dominion of New Zealand; and His Majesty the King by Order in Council dated 9th September, 1907, and by Proclamation issued 10th September, 1907, was graciously pleased to change the style and designation of the Colony of New Zealand to "The Dominion of New Zealand;" such change taking effect from Thursday, the 26th day of September, 1907.

#### GOVERNMENT.

The Governor is appointed by the King. His salary is £5,000 a year, with an annual allowance of £1,500 on account of his establishment, and of £500 for traveling expenses, provided by the Dominion.

Members of the Legislative Council hold their seats under writs of summons from the Governor. Till the year 1891 the appointments were for life; but in September of that year an Act was passed making appointments after that time tenable for seven years only, though Councillors may be reappointed. In either case seats may be vacated by resignation or extended absence. Two members of the Council are aboriginal Native chiefs.

The members of the House of Representatives (now designated M. P.) are elected for three years from the time of each general election; but at any time a dissolution of Parliament by the Governor may render a general election necessary. Four of the members are representatives of Native constituencies. For the purposes of European representation the Dominion is divided into seventy-six electoral districts, each returning one member. The full number of members composing the House of Representatives is thus eighty. Members of the House of Representatives are chosen by the voters of the electors in every electoral district appointed for that purpose.

In 1889 an amendment of the Representation Act was passed, which contained a provision prohibiting any elector from giving his vote in respect of more than one electorate at any election. In 1893 women of both races were granted by law the right to vote at the elections for members of the House of Representatives. The qualification for registration is the same for both sexes. No person is entitled to be registered on more than one electoral roll within the Dominion. Women are not qualified to be elected as members of the House of Representatives. Every man registered as an elector, and not specially excepted by the Legislature Act now in force, is qualified to be elected a member of the House of Representatives for any electoral district. For European representation every adult person, if resident one year in the Dominion and three months in one electoral district, can be registered as an elector. Freehold property of the value of £25 held for six months preceding the day of registration until 1896 entitled a man or woman to register, if not previously registered under the residential qualification; but in 1896 the property qualification was abolished (except in case of existing registration), and residence alone now entitles a man or woman to have his or her name placed upon an electoral roll. For Maori representation every adult Maori resident in any Maori electoral district (of which there are four only in the Dominion) can vote. Registration is not required in Native districts. (The above provisions are now incorporated in the Legislature Act, 1908, which consolidates the electoral laws.) The electoral laws are the subject of special comment further on in this work.

#### THE SEAT OF GOVERNMENT.

Up to the year 1865 the seat of Government of New Zealand was at Auckland. Several attempts were made by members of Parliament, by motions in the Legislative Council and House of Representatives, to have it removed to some more central place;

but it was not until November, 1863, that Mr. Domett (the then ex-Premier) was successful in carrying resolutions in the House of Representatives that steps should be taken for appointing some place in Cook Strait as the permanent seat of Government. The resolutions adopted were: "(1.) That it has become necessary that the seat of Government in the colony should be transferred to some suitable locality in Cook Strait. (2.) That, in order to promote the accomplishment of this object, it is desirable that the selection of the particular site in Cook Strait should be left to the arbitrament of an impartial tribunal. (3.) That, with this view, a Bill should be introduced to give effect to the above resolutions." On the 25th November an address was presented to the Governor, Sir George Grey, K. C. V., by the Commons of New Zealand, requesting that the Governors of the Colonies of New South Wales, Victoria, and Tasmania, might each be asked to appoint one Commissioner for the purpose of determining the best site in Cook Strait. Accordingly, the Hon. Joseph Docker, M. L. C., New South Wales; the Hon. Sir Francis Murphy, Speaker of the Legislative Council, Victoria; and R. C. Gunn, Esq., Tasmania, were appointed Commissioners.

These gentlemen, having made a personal inspection of all suitable places, arrived at the unanimous decision "that Wellington, in Port Nicholson, was the site upon the shores of Cook Strait which presented the greatest advantages for the administration of the government of the colony."

The seat of Government was, therefore, in accordance with the recommendations of the Commissioners, removed to Wellington in February, 1865.

#### THE DOMINION.

New Zealand, formerly a colony, has, since September, 1907, by Royal Proclamation, been granted the designation of "Dominion," and is referred to accordingly in this book. It consists of three main islands, with several groups of smaller islands lying at some distance from the principal group. The main islands, known as the North, the South, and Stewart Islands, have a coast-line 4,330 miles in length: North Island, 2,200 miles; South Island, 2,000 miles; and Stewart Island, 130 miles. Other islands included within the Dominion are the Chatham, Auckland, Campbell, Three Kings, Antipodes, Bounty, and Kermadec Islands. The annexation of the Cook and sundry other



islands has necessitated an enlargement of the boundaries of the Dominion, which will be specially treated of further on.

New Zealand is mountainous in many parts, but has, nevertheless, large plains in both North and South Islands. In the North Island, which is highly volcanic, is situated the famous Thermal-Springs District, of which a special account will be given. The South Island is remarkable for its lofty mountains, with their magnificent glaciers, and for the deep sounds or fiords on the western coast.

New Zealand is firstly a pastoral and secondary an agricultural country. Sown grasses are grown almost everywhere, the extent of land laid down being more than thirteen millions and a half of acres. The soil is admirably adapted for receiving these grasses, and, after the bush has been burnt off, is mostly sown over without previous ploughing. In the South Island a large area is covered with native grasses, all used for grazing purposes. The large extent of good grazing-land has made the Dominion a great wool, meat, and dairy-produce country; while its agricultural capabilities are, speaking generally, very considerable. The abundance of water and the quantity of valuable timber are other natural advntges.

New Zealand is, besides, a mining country. Large deposits of coal are met with, chiefly on the west coast of the South Island. Gold, alluvial and in quartz, is found in both Islands, the yield having been over seventy-nine millions in value to the present time. Full statistical information on this subject is given further on, compiled up to the latest dates.

#### BOUNDARIES AND AREA.

The Proclamation of Captain Hobson on the 30th January, 1840, gave as the boundaries of what was then the colony the following degrees of latitude and longitude: On the north,  $34^{\circ} 30'$  S. lat.; on the south,  $47^{\circ} 10'$  S. lat.; on the east,  $179^{\circ} 0'$  E. long.; on the west,  $166^{\circ} 5'$  E. long. These limits excluded small portions of the extreme north of the North Island and of the extreme south of Stewart Island.

In April, 1842, by Royal Letters Patent, and again by the Imperial Act 26 and 27 Vict., c. 23 (1863), the boundaries were altered so as to extend from  $33^{\circ}$  to  $53^{\circ}$  of south latitude and from  $162^{\circ}$  of east longitude to  $173^{\circ}$  of west longitude. By Proclamation bearing date the 21st July, 1887, the Kermadec Islands, lying between the 29th and 32nd degrees of south latitude and the 177th and 180th degrees of west longitude, were declared to be annexed to and to become part of the then Colony of New Zealand.



By Proclamation bearing date the 10th June, 1901, the Cook Group of islands, and all the other islands and territories situate within the boundary-lines mentioned in the following Schedule, were included:—

A line commencing at a point at the intersection of the twenty-third degree of south latitude and the one hundred and fifty-sixth degree of longitude west of Greenwich, and proceeding due north to the point of intersection of the eighth degree of south latitude and the one hundred and fifty-sixth degree of longitude west of Greenwich; thence due west to the point of intersection of the eighth degree of south latitude and the one hundred and sixty-seventh degree of longitude west of Greenwich; thence due south to the point of intersection of the seventeenth degree of south latitude and the one hundred and sixty-seventh degree of longitude west of Greenwich; thence due west to the point of intersection of the seventeenth degree of south latitude and the one hundred and seventieth degree of longitude west of Greenwich; thence due south to the point of intersection of the twenty-third degree of south latitude and the one hundred and seventieth degree of longitude west of Greenwich; and thence due east to the point of intersection of the twenty-third degree of south latitude and the one hundred and fifty-sixth degree of longitude west of Greenwich.

The following now constitutes the Dominion of New Zealand:—

1. The island commonly known as the North Island, with its adjacent islets, having an aggregate area of 44,673 square miles, or 28,590,720 acres.

2. The island known as the South Island, with adjacent islets, having an aggregate area of 57,823 square miles, or 37,070,720 acres.

3. Stewart Island, and adjacent islets, having an area of 665 square miles, or 425,390 acres.

4. The Chatham Islands, situate 536 miles eastward of Lyttelton in the South Island, with an area of 375 square miles, or 239,920 acres.

5. The Auckland Islands, about 200 miles south of Stewart Island, extending about 30 miles from north to south, and nearly 15 from east to west, the area being 210,650 acres.

6. Campbell Island, in latitude  $52^{\circ} 33' 26''$  south, and longitude  $169^{\circ} 8' 41''$  west, about 30 miles in circumference, with an area of 45,440 acres.

*Area of the States of Australia.*

The areas of the several Australian States, as stated by different authorities, vary considerably. The total area of the Australian Continent is given as 2,944,628 square miles, according to a computation made by the late Surveyor-General of Victoria, Mr. J. A. Skene, from a map of Continental Australia compiled and engraved under his direction; but the following areas are taken from latest official records:—

			Square Miles.
Queensland	..	..	670,500
New South Wales	..	..	310,372
Victoria	..	..	87,884
South Australia	..	..	903,690
Western Australia	..	..	975,920
<hr/>			
Total, Continent of Australia	..		2,948,366
Tasmania	..	..	26,215
<hr/>			

Total, Commonwealth of Australia 2,974,581

The size of these States (with New Zealand) may be better realized by comparison of their areas with those of European countries. The areas of the following countries—Austria-Hungary, Germany, France, Belgium, Holland, Denmark, Sweden and Norway, Portugal, Spain, Italy (including Sardinia and Sicily), Switzerland, Greece, Roumania, Bulgaria, Servia, Eastern Roumelia, and Turkey in Europe—containing on the whole rather less than 1,600,000 square miles, amount to little more than half the extent of the Australian Continent. If the area of Russia in Europe be added to those of the other countries the total would be about one-seventh larger than the Australian Continent, and about one-twelfth larger than the Australian States, with New Zealand.

*Area of the Dominion of New Zealand.*

The area of the Dominion of New Zealand is about one-seventh less than the area of Great Britain and Ireland, the South Island of New Zealand being a little larger than the combined areas of England and Wales.

			Area in Square Miles.
United Kingdom.			
England and Wales	..	..	58,311
Scotland	..	..	30,463
Ireland	..	..	32,531
<hr/>			
Total	..	..	121,305

			Area in Square Miles.
New Zealand.			
North Island	..	..	44,673
South Island	..	..	57,923
Stewart Island	..	..	665
Chatham Islands	..	..	375
Other Islands	..	..	718
Total	..	..	104,354

7. The Antipodes Islands, about 458 miles in a south-easterly direction from Port Chalmers, in the South Island. These are detached rocky islands, and extend over a distance of between 4 and 5 miles from north to south. Area, 12,960 acres.

8. The Bounty Islands, a small group of islets, thirteen in number, lying north of the Antipodes Islands, and about 415 miles in an east-south-easterly direction from Port Chalmers. Area, 3,300 acres.

9. The Kermadec Islands, a group lying about 614 miles to the north-east of Russell, in the Bay of Islands. Raoul, or Sunday Island, the largest of these, is about 20 miles in circuit. The next in size is Macaulay Island, about 3 miles round. Area of the group, 8,208 acres.

10. Islands forming the Cook Group:—

*Rarotonga*.—Distance from Auckland, 1,638 miles; circumference, 20 miles; height, 2,920 ft.

*Mangaia*.—Distance from Rarotonga, 116 miles; circumference, 30 miles; height, 656 ft.

*Atiu*.—Distance from Rarotonga, 116 miles; circumference, 20 miles; height, 374 ft.

*Aitutaki*.—Distance from Rarotonga, 140 miles; circumference, 12 miles; height, 366 ft.

*Mauke*.—Distance from Rarotonga, 150 miles; circumference, 6 miles; height, about 60 ft.

*Mitiaro*.—Distance from Rarotonga, 140 miles; circumference 5 miles, height, about 50 ft.

*Takutea*.—Distant from Rarotonga, 125 miles.

*The Herveys (Manuae and Aoutu)*.—Distant from Rarotonga, 120 miles.

Total area of above Group, 150 square miles.

11. Islands outside the Cook Group:—

*Savage or Niue*.—Distance from Rarotonga, 580 miles; circumference, 40 miles; height, 200 ft.; area, about 100 square miles.

*Palmerston*.—Distance from Rarotonga, 273 miles; an atoll, 4 miles by 2 miles.

*Penrhyn, or Tongareva*.—Distance 735 miles from Rarotonga; an atoll, 12 miles by 7 miles.

*Humphrey, or Manahiki*.—Distance from Rarotonga, 650 miles; an atoll, 6 miles by 5 miles.

*Rierson, or Rakaanga*.—Distance from Rarotonga, 670 miles; an atoll, 3 miles by 3 miles.

*Danger, or Pukapuka*.—Distance from Rarotonga, 700 miles; an atoll, 3 miles by 3 miles.

*Sutwarroo*.—Distance from Rarotonga, 530 miles; an atoll.

Total area of islands outside the Cook Group, 130 square miles.

The total area of the Dominion is thus about 104,354 square miles, of which the aggregate area of the outlying groups of islands that are practically useless for settlement amounts to about 498 square miles.

## ICELAND.

The Constitution granted in 1874 to Iceland upon a demand of the Althing contains an article which reproduces the provisions of Art. 95 of the Danish Constitution with the single difference which serves to simplify a process still further that the Althing is legally dissolved by the adoption of both Houses of the proposed amendment. (Charles Borgeaud, 1895, Europe and America.

The Constitution was granted to Iceland by Christian IX., king of Denmark in 1874. The King visited Iceland in August of the same year and brought the constitution with him. He was received with much respect by the Icelanders and told them he "hoped the Constitution he brought with him might contribute to the material prosperity of the Island and the development of the people." At the time the Constitution was granted the population of Iceland was about 70,000.

The length of the Island is 300 miles from east to west and the greatest breadth 200 miles. The area is estimated at 39,200 square miles.

## THE CONSTITUTION.

The Constitution which, as the King declared, he "brought with him," is mainly due to the persistent claims and representations of Jon Sigurdsson at Copenhagen. Copies of it were furnished to us; but I think it unnecessary to translate every clause in detail, and will here only give a brief resume of its most important features.

The document is divided into seven parts, or chapters. The first of these, which contains thirteen paragraphs, deals with the relations between the king and Danish Government on one side and the legislative assembly, or Althing on the other. The legislative power with the King alone, and the judicial power with the judges. Iceland has no voice in Danish national questions, since it is not represented in the Rigsdag at Copenhagen; consequently it bears no part of the national expenditures. The highest power in Iceland belongs to the Governor, who is appointed by the King. Should the Althing have reason to complain of the Governor, the King decides in each particular case. (Although the Minister for Iceland is declared to be responsible for his acts, the King's power practically neutralizes this clause.) The Althing, called by the King, sits twice a year at Reikjavik, the Capital, but only for six weeks, unless prolonged by Royal consent. A special session may be called for at the King's pleasure; the latter may also prorogue the Althing, but only once a year, and for four weeks at a time. The King has power to dissolve the Althing, in which case new elections shall be held within two months, and the new Assembly shall meet the following year. No decree of the Althing has the force of law without the King's consent, and if he fail to sign a bill before the next session of the body, the bill is null and void. The minor provisions of this first chapter harmonize with these leading features.

Chapter II. relates to the Constitution of the Althing. It shall consist of thirty deputies elected by the people, and six chosen by the King. The former hold office during six years, the latter retaining their places in case an Assembly should be dissolved. The Althing is divided into an upper and a lower house, the former composed of the six deputies appointed by the King, and six more chosen by the thirty elected members from out their own number. The lower house is thus formed by the remaining twenty-four members of the latter class. The other clauses of this chapter relate to the filling of vacancies and the civil conditions which make a citizen of Iceland eligible to election as a member of the Althing.

Chapter III. defines the legislative functions of the two houses and their coöperative action. The regular Althing shall meet on the first work-day in July (unless the King orders otherwise), in Reikjavik. Each house has the right to introduce and pass bills; also to appoint committees for the investigation of matters of special interest, such committees having power to send for persons and papers. No tax may be imposed, altered or removed, except by course of law. The Althing has entire control of the finances of the Island, which it must regulate by a biennial budg-



et, with the condition that the salaries of the Danish functionaries (including the six members appointed by the King) take precedence of all other expenditure. The regulations in regard to the reading of a bill three times, to returning a bill from one house to another with amendments, to a quorum of members being present, etc., are similar to the parliamentary laws of other countries, and need not be repeated. Two-thirds of the members of either House constitute a quorum, however, it will always be possible for four of the King's deputies to prevent any legislation not agreeable to Denmark, by their simple absence.

Chapter IV. contains clauses regulating the judiciary powers.

Chapter V. provides for the State Church, the "Evangelical Lutheran," but guarantees liberty of conscience to all the inhabitants.

Chapter VI. embraces provisions relating to the freedom of the subject, the sanctity of home and private property, the freedom of the press, freedom of association and assembly, rights of municipal government, taxation, and privileges of the nobility, which last, together with their titles, are henceforth abolished.

Chapter VII. and last provides that propositions with a view to amending or adding to the present Constitution may be introduced either at a regular or an extraordinary session of the Althing. If such a proposition receive the necessary majority in both houses, the Althing shall be dissolved forthwith and a new election ordered. If the newly elected Althing then accepts the same proposition without amendment, and the latter then receives the Royal sanction, it comes into force as part and parcel of the constitutional law." "Egypt and Iceland in the Year 1874," by Bayard Taylor.

## BELGIUM.

The Constitution of Belgium provides for a constitutional hereditary monarchy. Leopold of Saxe-Coburg took the oath to maintain the articles set forth in this instrument, which was modeled after the liberal French Constitutions of 1791-1830. It was adopted October 4th, 1830, after the declaration of independence of Belgium, formerly under King William sovereign of the Netherlands. This was formed by a National Congress composed of two hundred delegates. It was promulgated February 7th, 1831, and July 31, Leopold I. was elected King.

King Leopold died Dec. 17th, 1809, and was succeeded by his nephew Albert I.

Germany has occupied all but a portion of Belgium from Aug., 1914, after invading the territory of a neutral country not at

was with Germany in violation of treaty agreements thoroughly understood with other nations.

This subject involves many questions in regard to the great war problem of the central powers, and France, England, Russia and Belgium, and it is too complicated and unsettled to be satisfactorily handled in this work.

It is sufficient to insert a few letters from Belgium's "Gray Papers" and England's "White Paper" written at the commencement of hostilities. It is hoped that Belgium will have her country restored to her and that she will get full indemnity.

Inclosure in No. 12.

LETTER ADDRESSED BY THE BELGIAN MINISTER IN BERLIN TO M.  
DAVIGNON, MINISTER FOR FOREIGN AFFAIRS.

Berlin, 2d May, 1913.

M. le Ministre:

I have the honor of informing you, according to the semi-official "Norddeutsche Allgemeine Zeitung," of the declarations made in the course of the sitting of 29th April of the Budget Committee of the Reichstag by the Secretary of State for Foreign Affairs and the Minister of War with reference to Belgian neutrality.

"A member of the Social Democratic Party said: 'In Belgium the approach of a Franco-German war is viewed with apprehension, because it is feared that Germany will not respect Belgian neutrality.'

"Herr von Jagow, Secretary of State for Foreign Affairs, replied: 'The neutrality of Belgium is determined by international conventions, and Germany is resolved to respect these conventions.'

"This declaration did not satisfy another member of the Social Democratic Party. Herr von Jagow observed that he had nothing to add to the clear statement which he had uttered with reference to the relations between Germany and Belgium.

"In reply to further interrogations from a member of the Social Democratic Party, Herr von Heeringen, Minister of War, stated: 'Belgium does not play any part in the justification of the German scheme of military reorganization; the scheme is justified by the position of matters in the East. Germany will not lose sight of the fact that Belgian neutrality is guaranteed by international treaties.'

"A member of the same party having again referred to Belgium, Herr von Jagow again pointed out that his declaration regarding Belgium was sufficiently clear." I am, &c.,

(Signed) BARON BEYENS.

## No. 13.

TELEGRAM ADDRESSED BY COUNT DE LALAING, BELGIAN MINISTER IN LONDON, TO M. DAVIGNON, MINISTER FOR FOREIGN AFFAIRS.

London, 1st August, 1914.

England has separately inquired of France and Germany as to whether they would respect Belgian territory in the event of their adversary not violating it. The German reply is awaited. France has accepted.

## No. 14.

TELEGRAM ADDRESSED BY BARON BEYENS, BELGIAN MINISTER IN BERLIN, TO M. DAVIGNON, MINISTER FOR FOREIGN AFFAIRS.

Berlin, 1st August, 1914.

The British Ambassador has been instructed to ask the Minister for Foreign Affairs whether in the event of war Germany would respect Belgian neutrality and the Minister appears to have said that he cannot reply to this question.

## No. 18.

TELEGRAM ADDRESSED BY M. EYSCHEN, PRESIDENT OF THE LUXEMBURG GOVERNMENT, TO M. DAVIGNON, MINISTER FOR FOREIGN AFFAIRS.

Luxemburg, 2d August, 1914.

I have the honor to bring the following facts to the knowledge of your Excellency: Sunday, 2d August, very early, according to information which reached the Grand Ducal Government at this moment, German troops have entered Luxemburg territory by the Wasserbillig and Remich bridges, proceeding more especially toward the south of the country and toward the town of Luxemburg, capital of the Grand Duchy. A certain number of armored trains with troops and ammunition have been forwarded by the railway from Wasserbillig to Luxemburg, where they are expected to arrive at any moment. These facts imply acts which are manifestly contrary to the neutrality of the Grand Duchy, guaranteed by the Treaty of London of 1867. The Luxemburg Government has not failed to protest energetically to the representative of his Majesty the German Emperor in Luxemburg against this aggression. An identical protest will be transmitted to the Secretary of State for Foreign Affairs in Berlin.

(Signed) EYSCHEN,

The Minister of State, President of the Government.

## No. 22.

NOTE HANDED IN BY M. DAVIGNON, MINISTER FOR FOREIGN AFFAIRS,  
TO HERR VON BELOW SALESKE, GERMAN MINISTER.

Brussels, 3d August, 1914.  
(7 o'clock in the morning.)

By the note of the 2d August, 1914, the German Government has made known that according to certain intelligence the French forces intend to march on the Meuse via Givet and Namur and that Belgium, in spite of her good will, would not be able without help to beat off an advance of the French troops.

The German Government felt it to be its duty to forestall this attack and to violate Belgian territory. Under these conditions Germany proposes to the King's Government to take up a friendly attitude, and undertakes at the moment of peace to guarantee the integrity of the Kingdom and of her possessions in their whole extent. The note adds that if Belgium raises difficulties to the forward march of the German troops Germany will be compelled to consider her as an enemy and to leave the later settlement of the two States toward one another to the decision of arms.

This note caused profound and painful surprise to the King's Government.

The intentions which it attributed to France are in contradiction with the express declarations which were made to us on the 1st August, in the name of the Government of the Republic.

Moreover, if, contrary to our expectations a violation of Belgian neutrality were to be committed by France, Belgium would fulfill all her international duties, and her army would offer the most vigorous opposition to the invader.

The treaties of 1839, confirmed by the treaties of 1870, establish the independence and the neutrality of Belgium under the guarantee of the Powers, and particularly of the Government of his Majesty the King of Prussia.

Belgium has always been faithful to her international obligations; she has fulfilled her duties in a spirit of loyal impartiality; she has neglected no effort to maintain her neutrality or to make it respected.

The attempt against her independence with which the German Government threatens her would constitute a flagrant violation of international law. No strategic interest justifies the violation of that law.

The Belgian Government would, by accepting the propositions which are notified to her, sacrifice the honor of the nation while at the same time betraying her duties toward Europe.

Conscious of the part Belgium has played for more than eighty years in the civilization of the world, she refuses to believe that the independence of Belgium can be preserved only at the expense of the violation of her neutrality.

If this hope were disappointed the Belgian Government has firmly resolved to repulse by every means in her power any attack upon her rights.

No. 23.

TELEGRAM ADDRESSED BY M. DAVIGNON, MINISTER FOR FOREIGN AFFAIRS, TO THE BELGIAN MINISTERS AT ST. PETERSBURG, BERLIN, LONDON, PARIS, VIENNA, THE HAGUE.

Brussels, 3d August, 1914.

Last night at 7 o'clock Germany delivered a note proposing friendly neutrality permitting of free passage through our territory, promising the maintenance of the independence of the kingdom and of her possessions at the conclusion of peace, threatening in case of refusal to treat Belgium as an enemy, time limit within which to reply fixed at twelve hours. We have replied that the attack on our neutrality would be a flagrant violation of international law. The acceptance of the German proposal would sacrifice the honor of the nation. Conscious of her duty, Belgium is firmly resolved to repulse aggression by every means.

(Signed) DAVIGNON.

No. 154.

SIR F. VILLIERS TO SIR EDWARD GREY.

(Received Aug. 4.)

(Telegraphic.)

Brussels, Aug. 4, 1914.

German Minister has this morning addressed note to Minister for Foreign Affairs stating that as Belgian Government have declined the well-intentioned proposals submitted to them by the Imperial Government, the latter will, deeply to their regret, be compelled to carry out, if necessary by force of arms, the measures considered indispensable in view of the French menaces.

No. 155.

SIR EDWARD GREY TO SIR F. VILLIERS.

(Telegraphic.)

London, Foreign Office, Aug. 4, 1914.

You should inform Belgian Government that if pressure is applied to them by Germany to induce them to depart from



neutrality, His Majesty's Government expect that they will resist by any means in their power, and that His Majesty's Government will support them in offering such resistance, and that His Majesty's Government in this event are prepared to join Russia and France, if desired, in offering to the Belgian Government at once common action for the purpose of resisting use of force by Germany against them, and a guarantee to maintain their independence and integrity in future years.

No. 156.

SIR EDWARD GREY TO SIR E. GOSCHEN.

(Telegraphic.)

London, Foreign Office, Aug. 4, 1914.

I continue to receive numerous complaints from British firms as to the detention of their ships at Hamburg, Cuxhaven, and other German ports. This action on the part of the German authorities is totally unjustifiable. It is in direct contravention of international law and of the assurances given to your Excellency by the Imperial Chancellor. You should demand the immediate release of all British ships if such release has not yet been given.

No. 157.

GERMAN FOREIGN SECRETARY TO PRINCE LICHNOWSKY.

(Communicated by German Embassy, August 4.)

(Telegraphic.)

Berlin, August 4, 1914.

Please dispel any mistrust that may subsist on the part of the British Government with regard to our intentions by repeating most positively formal assurance that, even in the case of armed conflict with Belgium, Germany will, under no pretense whatever, annex Belgian territory. Sincerity of this declaration is borne out by fact that we solemnly pledged our word to Holland strictly to respect her neutrality. It is obvious that we could not profitably annex Belgian territory without making at the same time territorial acquisitions at expense of Holland. Please impress upon Sir E. Grey that German army could not be exposed to French attack across Belgium, which was planned according to absolutely unimpeachable information. Germany had consequently to disregard Belgian neutrality, it being for her a question of life or death to prevent French advance.

No. 158.

SIR F. VILLIERS TO SIR EDWARD GREY.

(Received August 4.)

(Telegraphic.)

Brussels, Aug. 4, 1914.

Military Attaché has been informed at War Office that German troops have entered Belgian territory, and that Liege has been summoned to surrender by small party of Germans, who, however, were repulsed.

No. 159.

SIR EDWARD GREY TO SIR E. GOSCHEN.

(Telegraphic.)

London, Foreign Office, Aug. 4, 1914.

We hear that Germany has addressed note to Belgian Minister for Foreign Affairs stating that German Government will be compelled to carry out, if necessary by force of arms, the measures considered indispensable.

We are also informed that Belgian territory has been violated at Gemmenich.

In these circumstances, and in view of the fact that Germany declined to give the same assurance respecting Belgium as France gave last week in reply to our request made simultaneously at Berlin and Paris, we must repeat that request, and ask that a satisfactory reply to it and to my telegram of this morning\* be received here by 12 o'clock tonight. If not, you are instructed to ask for your passports, and to say that his Majesty's Government feel bound to take all steps in their power to uphold the neutrality of Belgium and the observance of a treaty to which Germany is as much a party as ourselves.

\*See No. 153.

## SECOND BRITISH "WHITE PAPER."

Dispatch from His Majesty's Ambassador at Berlin Respecting the Rupture of Diplomatic Relations With the German

Government.

SIR E. GOSCHEN TO SIR EDWARD GREY.

I then said that I should like to go and see the Chancellor, as it might be, perhaps, the last time I should have an opportunity of seeing him. He begged me to do so. I found the Chancellor very agitated. His Excellency at once began a harangue, which lasted for about 20 minutes. He said that the step taken by His

Majesty's Government was terrible to a degree; just for a word—"neutrality," a word which in war time had so often been disregarded—*just for a scrap of paper Great Britain was going to make war on a kindred nation who desired nothing better than to be friends with her.* All his efforts in that direction had been rendered useless by this last terrible step, and the policy to which, as I knew, he had devoted himself since his accession to office had tumbled down like a house of cards. What we had done was unthinkable; it was like striking a man from behind while he was fighting for his life against two assailants. He held Great Britain responsible for all the terrible events that might happen. I protested strongly against that statement, and said that, in the same way as he and Herr von Jagow wished me to understand that for strategical reasons it was a matter of life and death to Germany to advance through Belgium and violate the latter's neutrality, so I would wish him to understand that it was, so to speak, a matter of "life and death" for the honour of Great Britain that she should keep her solemn engagement to do her utmost to defend Belgium's neutrality if attacked. That solemn compact simply had to be kept, or what confidence could any one have in engagements given by Great Britain in the future? The Chancellor said, "But at what price will that compact have been kept. Has the British Government thought of that?" I hinted to his Excellency as plainly as I could that fear of consequences could hardly be regarded as an excuse for breaking solemn engagements, but his Excellency was so excited, so evidently overcome by the news of our action, and so little disposed to hear reason, that I refrained from adding fuel to the flame by further argument. As I was leaving he said that the blow of Great Britain joining Germany's enemies was all the greater that almost up to the last moment he and his Government had been working with us and supporting our efforts to maintain peace between Austria and Russia. I said that this was part of the tragedy which saw the two nations fall apart just at the moment when the relations between them had been more friendly and cordial than they had been for years. Unfortunately, notwithstanding our efforts to maintain peace between Russia and Austria, the war had spread and had brought us face to face with a situation which, if we held to our engagements, we could not possibly avoid, and which unfortunately entailed our separation from our late fellow workers. He would readily understand that no one regretted this more than I.

## EXCERPTS FROM CONSTITUTION OF BELGIUM.

## TITLE II. BELGIAN CITIZENS AND THEIR RIGHTS.

Art. 4. Belgian nationality is acquired, retained, and lost according to regulations established by the civil law.

The present constitution and the other laws relating to political rights determine what other conditions are necessary for the exercise of these rights.

Art. 6. There shall be no distinction of classes in the state. All Belgians are equal before the law; they alone are admissible to civil and military offices, with such exceptions as may be established by law for particular cases.

Art. 7. Individual liberty is guaranteed.

No one may be prosecuted except in such cases provided for by law and in the form prescribed.

Except when one is taken in the commission of an offense no one may be arrested without a warrant issued by a magistrate, which ought to be shown at the time of arrest, or at the latest within twenty-four hours thereafter.

## TITLE III. CONCERNING POWERS.

Art. 25. All powers emanate from the people.

They shall be exercised in the manner established by the constitution.

Art. 26. The legislative power shall be exercised collectively by the King, the House of Representatives, and the Senate.

## CHAPTER I. THE HOUSES.

Art. 32. The members of the two Houses shall represent the nation, and not the province alone, nor the subdivision which elected them.

## SECTION I. THE HOUSE OF REPRESENTATIVES.

Art. 47. The members of the House of Representatives shall be chosen by direct election under the following regulations:

One vote is allotted to citizens who have reached the age of twenty-five years, resident for at least one year in the same commune and who are not otherwise excluded by law.

One additional vote is allotted in consideration of any of the following conditions:

(1) Having reached the age of thirty-five years, being married or a widower with legitimate offspring, and paying to the state a tax of not less than five francs as a householder, unless exempt on account of his profession.

## SECTION II. THE SENATE.

Art. 53. The Senate shall be composed:

(1) Of members elected according to the population of each province, conformably to Art. 47; though the law may require that the electors shall have reached the age of thirty years. The provisions of Art. 48 are applicable to the election of senators.

(2) Of members elected by the provincial councils, to the number of two for each province having less than 500,000 inhabitants, of three for each province having from 500,000 to 1,000,000 inhabitants, and of four for each province having more than 1,000,000 inhabitants.

## CHAPTER II. THE KING AND THE MINISTERS.

## SECTION I. THE KING.

Art. 60. The constitutional powers of the King are heredity in the direct descendants, natural and legitimate, of His Majesty Leopold-George-Christian-Frederick of Saxe-Coburg, from male to male in the order of primogeniture, and to the perpetual exclusion of females and of their descendants.

(The prince who shall marry without the consent of the King, or of those who in his absence exercise his authority as provided by the constitution, shall forfeit his rights to the crown).

(Nevertheless, with the consent of the two Houses, he may be relieved of this forfeiture by the King or by those who, in his absence exercise his authority according to the constitution).

## SECTION II. THE MINISTERS.

Art. 86. No person shall be a minister unless he is a Belgian by birth, or has received full naturalization.

Art. 87. No person of the royal family shall be a minister.

## CHAPTER III. THE JUDICIAL POWER.

Art. 92. Actions which involve questions of civil right belong exclusively to the jurisdiction of the courts.

Art. 93. Actions which involve questions of political rights belong to the jurisdiction of the courts, except as otherwise determined by law.

## TITLE VI. GENERAL PROVISIONS.

Art. 125. The Belgian nation adopts for its colors red, yellow and black, and for the coat of arms of the kingdom, the Belgian lion, with the motto, "Union Gives Strength."

Art. 126. The city of Brussels is the capital of Belgium and the seat of government.

The full text of this constitution can be found in "Modern Constitutions" by Walter F. Dodd, Chicago University Press.















